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POLICE OFFICERS ASSOCIATION

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President's Message

Honor America's Veterans

Support our department's active military reservists

By Gary Delagnes,
SFPOA President

November 11th is Veterans Day. On this important national holiday, please take the time to thank a military veteran for his or her service to our country. Join with us, the men and women of the San Francisco Police Officers Association, in honoring all of America's military veterans, and those brave and dedicated men and women currently serving at home and abroad.

Sacrifice is a common characteristic of those who have and are serving in the US military. But, police officers currently serving in the military reserves are particularly selfless and

dedicated. Not only does each suffer the travails of military call-up, but upon his or her return, the normal disruptions inherent to police work consumes their lives — and that of their families.

I am proud to acknowledge that we have a number of POA members who are or recently have been active-duty reservists. It is an honor to work with such fine individuals, and to call them my brothers and sisters in law enforcement.

We also have many members who have loved ones serving in the military, mostly sons and daughters, nieces and nephews, grandsons and granddaughters. Let us not forget

these heroes. If you have a coworker in your unit or station who has a close relative in the military, take a moment to thank that friend for service and sacrifice of their uniformed loved one. It's so important that they know that we care about their loved one and that we appreciate his or her service and diligence to our national security.

Even if you are not a member of the American Legion Police/Fire Post, please take a moment to read this month's column by Greg Corrales — placed specially this month on the front page — to understand a little better why November 11 means so much to our veterans.



SFPOA President Gary Delagnes

POLICE-FIRE POST 456 NEWS

By Greg Corrales

"It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions and spends himself in a worthy cause; who at best, knows in the end the triumph of high achievement, and who, at worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither

— President Theodore Roosevelt, 1910



Veterans Day, formerly known as Armistice Day, was originally set as a U.S. legal holiday to honor the end of World War I, then known as "The Great War." The war officially ended when the Treaty of Versailles was signed on June 28, 1919. Fighting ceased, however, seven months earlier when an armistice, or temporary cessation of hostilities, between the Allied nations and Germany went into effect on the eleventh hour of the eleventh day of the eleventh month. For that reason, November 11, 1918 is generally regarded as the end of "the war to end all wars."

In November of 1919, President Woodrow Wilson proclaimed November 11 as the first commemoration of Armistice Day with the following words: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations..."

In 1954, after having been through both World War II and the Korean War, the 83rd U.S. Congress, at the urging of the American Legion and other veterans' organizations, amended the holiday by replacing the word "Armistice" with the word "Veterans." On June 1, 1954 November 11 became a day to honor American veterans of all wars.

Many Americans confuse Veterans Day with Memorial Day. Memorial Day honors service members who died in service to their country or as a result of injuries incurred during battle. Deceased veterans are also remembered on Veterans Day, but the day is set aside to thank and honor living veterans who served honorably in the military, in wartime or peacetime.

I was assigned to my first station, Ingleside, on 1 January 1970. Eight other members of my academy class were also sent to Ingleside. Of course, at that time we were all veterans. We used to marvel that many of the "old-timers" on the Day Watch were World War II veterans. World War II had ended 24 years

earlier! Of course, as I write this, it has been over forty years since I served in Vietnam. For years it had been my tradition on Veterans Day to meet with my dear friend Mike Boyd. Mike and I would hoist a few in memory of our fallen comrades. This will be the second Veterans Day on which Mike is now one of those fallen comrades.

Veterans Day facts:

Female veterans — 1.8 million. 16% of Gulf War veterans.

Race and Origin — Black, 2.4 million. Hispanic, 1.1 million. Asian, 278,000. American Indian, 27,000. Non-Hispanic White, 18.7 million.

When they served — 9.3 million veterans 65 and older, 1.9 million younger than 35. 7.9 million Vietnam-era veterans, who make up 33% of all living veterans, served during this time (1964–1975).

Disabilities — There are six million veterans with a disability.

Poverty — The percentage of veterans living in poverty is 5.7 percent. The corresponding rate for nonveterans is 12 percent.

By far, the career that veterans seek out upon completion of their service is criminal justice. Law enforcement officers that are veterans are continuing the service to this country and to our communities that we started while in the military. That is one of the reasons that every member of our Department that is a veteran should join the San Francisco Police-Fire Post of the American Legion. We are very anxious to have our newer veterans join the post, especially the female veterans who are very under-represented.

Harry Patch, the last British Army veteran of trench warfare in France during WWI, died July 25. He had a symbolic funeral on August 6 in his hometown of Wells, England. Patch was 111. British-born Claude Choules, who is 108, served in the Royal Navy in WWI and is the only other known survivor. The only surviving Doughboy in America is Frank W. Buckles, 108, of Charles Town, West Virginia.

Minnesota Vikings All-Pro defensive end Jared Allen is having a career-year so far this season. He is rich and famous, but he will be the first to tell you that he is not a hero. Allen spent part of the NFL offseason meeting U.S. troops serving in Iraq and Kuwait. The football star comes from a military family; his grandfather retired as a captain in the Marine Corps, and his younger brother graduated from Marine Corps boot camp in May.

When Allen was asked about heroism, he replied, "What I do does not make me a hero. I play a game for a living. I may have a chance to be a role model, but nothing I do is life or death. My livelihood doesn't mean life or death for someone else. These guys in the military, they're playing with live ammo. These guys are the real heroes."

The lieutenant wanted to use a pay phone but didn't have change for a dollar. He saw a private mopping the floors and asked him, Soldier, do you have change for a dollar?" "I sure have, buddy," the private answered. Giving him a mean stare, the lieutenant said, "That's no way to address an officer. Let's try it again. Private do you have change for a dollar?" "No sir," the private replied.

Minutes of the October 14, 2009 POA Board Meeting*

1. The meeting was called to order by Sergeant-at-Arms (SAR) Chris Breen.

2. SAR Breen led the attendees in the Pledge of Allegiance.

3. President Delagnes directed SAR Breen to function as the Secretary in Tony Montoya's excused absence.

4. SAR Breen conducted the roll call.

5. President Delagnes introduced new Health Service System Representative, Lt. Sharon Ferrigno. Lt. Ferrigno discussed the plan to ensure that all police officers will be given a flu shot, in addition to a shot for H1 N1, based upon the fact that we are "first responders."

6. A motion was made by Representative George Ferraez (Co. C), seconded by Representative Christopher Schaffer (Co. C), to approve the September minutes. The motion passed unanimously.

7. President Delagnes spoke about Chief Gascón's willingness to substantially reduce the amount of time several officers will have to serve on their suspensions. President Delagnes also talked about the fact that approximately 15 officers are facing possible termination but that the POA will be using all of its resources to defend members who were acting within the course and scope of their duties.

8. President Delagnes spoke about the strong possibility that promotions to the ranks of sergeant, lieutenant and captain should be made within two weeks.

9. SAR Breen spoke about several issues related to Inspectors being assigned to the district stations.

10. President Delagnes followed-up on Breen's points by talking about seniority issues related to the Inspectors being assigned to stations.

11. President Delagnes spoke about Proposition A, which would require that labor unions ratify their contracts by a specific date, or forgo the raise until the next fiscal year. It the voters pass this proposition, the POA will immediately litigate in Superior Court.

12. New Business — Treasure Halloran distributed the year to date

- financial recap and talked about the financial health of the POA, emphasizing the fact that POA is under budget for the year.
13. President Delagnes adjourned the meeting at 1340 hours.

Respectfully submitted,
Chris Breen
Sergeant-at-Arms

**These minutes will not be adopted by the Board of Directors until the next General Membership meeting. Corrections and amendments might be made prior to a vote to enter the minutes into the permanent record. All corrections and/or amendments will be published in the succeeding issue of the Journal.*

Board of Directors Meeting Roll Call Wednesday, October 14, 2009

President	Gary Delagnes	P	Co. G	Dean Sorgie	E
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	Chris Breen	P		Jody Kato	P
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				Brian Philpott	P
Co. A	Ed Browne	P			
	George Rosko	P	Co. K	Matt Gardner	P
Co. B	Larry Bertrand	P		Corrado Petruzzella	P
	Jayme Campbell	E	Hdqtr.	Bob Mammone	E
Co. C	George Ferraez	P		Joe McFadden	E
	Chris Schaffer	P	Narcotics	Dave Falzon	P
Co. D	Martin Covarrubias	P		Frank Hagan	P
	Jose Jimenez	P	Tactical	Dan Laval	P
Co. E	Dermot Dorgan	E		Mark Madsen	P
	Tim Flaherty	P	Invest.	Gavin McEachern	P
Co. F	Peter Dacre	P		Dean Taylor	P
	Rob Imbellino	P	Airport	Anton Collins	P
				Joe Finigan	P
			Retired	Ray Allen	P


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San Francisco Police Officers Association Editorial Policy

The *POA Journal* and the POA web site (www.sfpoa.org) are the official publications of the San Francisco Police Officers Association and are published to express the policies, ideals, and accomplishments of the Association. The following provisions that are specific to the publication of the *POA Journal* shall also be applicable to publication of material on the POA web site to any extent that is practical. Publication of material in the *POA Journal* or on the POA web site does not necessarily include publication on or in both instruments of communication. Nor does the following editorial policy for the *POA Journal* preclude a different or contrary editorial policy for the POA web site.

Member Opinions and Commentary: Unsolicited Written Material

A member or group of members may submit **unsolicited written material** to the *POA Journal* that expresses his/her/their opinion(s) and concerns within the following limitations and guidelines:

- Such material must be addressed as a letter or mail using common salutations such as "Dear POA," "Editor," "SFPOA" "Dear POA Members" etc.
- Such material must be authored and signed by the member(s) making the submission. Anonymous submissions will not be published.
- Such material must be factually correct and presented in a respectful and civil manner.
- Such material can not be slanderous, unnecessarily inflammatory, sexist, racist, or otherwise offensive, nor can it be disparaging of any member or bring upon them unwarranted accusation or rebuke, either express or implied.
- Such material can be forwarded to the editor by electronic mail, US Mail, inter-departmental mail or other written communication, or delivered in person to the editor or to any person in the POA office.
- Upon receipt of such material, the editor shall cause it to be published in the next regular printing of the *POA Journal*, or in a future issue designated by the submitting member provided that the content complies with all the provisions of this policy. Such material will not necessarily appear in more than one issue of the *POA Journal*.
- Such material will be published in a designated section that shall be clearly titled as "Letters to the Editor," "Letters to the Journal," "Mail" or other similar title indicating that the material included therein is the express opinion of the author(s) and not necessarily that of the SFPOA or any of its elected or appointed officers.
- Depending upon considerations of timeliness and space, the editor reserves the right to withhold publication of such material for as many as two issues. The editor also reserves the right to decline to publish material beyond a date wherein the context of the material is no longer timely.
- All such material is subject to editing for grammar and punctuation. Portions of a submission may be omitted for considerations of space so long as the general context of the material is not significantly diminished or altered.
- The editor may select portions of a submission to be highlighted in a common editorial manner such as pull quotes, sub-heads, or kickers.

Other Submitted Material

All other written, photographic, or graphic material must be:

- Specifically solicited by the editor;
- Or be unsolicited material that may be published at the discretion of the editor, and in accordance with other applicable sections of this editorial policy and Article XI, Section 8(e) of the by-laws.

POA Journal Deadlines

December 2009	November 18, 2009
January 2010	December 18, 2009
February 2010	January 21, 2010
March 2010	February 18, 2010

The San Francisco Police Officers Association

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Members or readers submitting letters or articles to the editor are requested to observe these simple rules:

- Address letters to the Editor's Mail Box, 800 Bryant St., 2nd Floor, San Francisco, CA 94103.
- Letters must be accompanied by the writer's true name and address. The name, but not the street address, will be published with the letter.
- Unsigned letters and/or articles will not be used.
- Writers are assured freedom of expression within necessary limits of space and good taste.
- The editor reserves the right to add editor's notes to any article submitted, if necessary.
- Articles should be typed, double-spaced, or submitted via e-mail or on disk in Microsoft Word.

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WIDOWS' AND ORPHANS' AID ASSOCIATION

PO Box 880034, San Francisco, CA 94188-0034 ♦ Established 1878 ♦ Telephone 415.681.3660

October 13, 2009

The regular meeting of the Widows' and Orphans' Aid Association of the San Francisco Police Department was called to order by President Joe Garrity at 1:50 PM in the Conference Room of Ingleside Station.

PLEDGE OF ALLEGIANCE: Led by President Joe Garrity.

ROLL CALL OF OFFICERS: President Joe Garrity, Vice President John Centurioni. Secretary Mark Hurley. Treasurer Joe Reilly excused. Trustees Mark McDonough and Matt Gardner. Excused Bill Gay, Bob Mattox and Harold Vance.

MINUTES OF THE SEPTEMBER MEETING: Motion by Centurioni that the minutes be approved as published. Seconded by McDonough. Motion carried.

BILLS: President Joe Garrity presented the usual bills that Treasurer Joe Reilly prepared for this meeting. Motion by McDonough that the bills be paid. Seconded by Gardner. Motion carried.

We Had Four Deaths This Past Month:

MELVILLE "MEL" LEATHLEY, 75 years. Mel was born in Bashaw, Alberta, Canada. When he was a teenager, his family moved to Kittitas, Washington. He attended Kittitas High School and upon graduation joined the Navy during the Korean Conflict. After his tour of duty in the Navy, he came to San Francisco and worked for the Old Sears store on Army Street. He took the Police Examination and entered the Police Academy in 1959. His first assignment was Northern Station. A year later, he was assigned to

Mission. A year later, he was assigned to Central Station. Five years later, he was assigned to Juvenile as a Police Officer. A few years later, he made Assistant Inspector, and a few years after that full Inspector. Mel was appointed Juvenile Court Liaison and decided to go to college. He entered U.S.F. and earned his BA. Mel was known as a fine Police Inspector. He was very thorough. He looked at things from different angles five or six times. He related to the crime victim as well as the suspect to make sure he made the right call. Mel received dozens of Captain's Comp's and a Silver Medal of Valor for his part in the arrest of an armed robbery suspect at a grocery store who was armed with a shotgun.

WILLIAM F. MUSANTE, 82 years. Bill was born in San Francisco and grew up in the Excelsior. He attended Balboa High School and worked various jobs before he entered the Police Academy in 1953. His first assignment was Potrero Station. He was detailed to City Prison for six months before going back to Potrero. He then spent two years at Southern before being assigned to the Solos. He worked on the bikes for five years before being promoted to the Bureau of Inspectors. Bill worked the auto detail until he retired in 1979. Bill was a highly decorated officer during his career. A Gold Medal for his arrest of a suspect who just shot a woman and a baby. A Silver Medal of Valor for his arrest of an armed robbery suspect. Another Silver Medal of Valor for his arrest of two robbery suspects who just robbed a grocery store clerk. A Bronze Medal of Valor for the arrest of a suspect he just stopped for a traffic violation. The suspect pulled a gun and tried to shoot

but was disarmed.

WALTER J. GARRY, 73 years. Walt was born in San Francisco and grew up in the Mission. He attended Poly High. He was employed as a retail clerk before he entered to Police Academy in 1960. His first assignment was Northern Station for a year before he went to Ingleside, then Park. He made Sergeant in 1969 and was assigned to Ingleside. A year later he was assigned to TAC for five years before going to Northern. He then was assigned to Juvenile and Richmond. He then was assigned to Planning and Research and promoted to Lieutenant. He remained at Planning and Research and Warrant detail, Communications and Technical services. Walt received a Silver Medal of Valor for the arrest of a burglary suspect who was attempting to rob a taxicab. A Bronze Medal of Valor for his arrest of a suspect who just robbed a candy store.

Walt also received several Captain's Comp's. Walt retired in 1990. He took a job with the State and was the Chief of the Cal Expo Police. I used to see him every year at the State Fair.

LOUIS J. LIGOURI, 68 years. Lou was born in San Francisco and grew up in the Excelsior. He attended Riordan High School. He served his country in the Army and then went to the University of Washington. He worked as a receiving clerk before he entered the Police Academy in 1964. His first assignment was Central Station. He was there a year before going to Richmond. He was assigned to the TAC unit for a few years before he worked Juvenile. In 1977, he was appointed Inspector and worked Intelligence. He worked Dignitary Protection Unit and also the first Hate Crimes Unit. Lou retired in 1992

to devote more time to his security business. He used active and retired Police Officers for keeping the theatre-goers safe in and about the downtown area. A lot of cops owe a lot to Lou for giving them the opportunity to gain a few bucks to take care of their families with college or whatever. I remember Lou being part of our famed Second Platoon Dinners. We had great times. Lou fought his cancer for several years before being taken from us.

REPORT OF TRUSTEES: Our Wells Fargo Bank representatives were not able to make the meeting but I got a report earlier in the day from Shane Hiller. With foreign interest rates rising, we have to stay like we are with our asset allocation. This will insulate us from the risks. Our account went up \$143,970.00 in the last month. That is a 2.2% increase.

SUSPENSIONS: Pursuant to Article III, section 3 of the Constitution (non payment of dues for six months) Jeffery Lindberg.

REINSTATEMENTS: With payment of back dues and penalties Benjamin McAlister, Larry Piol and Charles Easton. President Joe Garrity ordered them reinstated.

ADJOURNMENT: President Joe Garrity had a moment of silence for out departed members and also for those men and women serving their Country in our military. He set the next meeting for Tuesday November 10, 2009 (Marine Corps Birthday) for 1345 hours in the Conference room of Ingleside Station. The meeting was adjourned at 1500 hours.

Fraternally,
Mark Hurley,
Secretary

Calendar of Events

Mark your calendars for the following meetings and events by the POA and its friends and supporters. All dates and times are subject to last minute changes, so always contact the event coordinator to confirm dates and times. If you have an event you would like posted on our calendar, contact the editor at journal@sfpoa.org.

Regularly Scheduled Meetings or Events

Event	Location	Date & Time	Coordinator
Meeting, Veteran Police Officers Association	3255 Folsom, SF	Second Tues. of Every Month, 11:00 AM	Larry Barsetti (415) 566-5985 larry175@ix.netcom.com
Meeting, Widows & Orphans Aid Association	Ingleside Police Station, Community Rm	Second Tues. of Every Month, 2:00 PM	Mark Hurley (415) 681-3660
Meeting, American Legion SF Police-Fire Post	Old POA Building 510-7th Street, SF	Second Tues. of Every Month, 6:00 PM	Rene Laprevotte rlaprevotte@comcast.net
POA Board of Directors Meeting	POA Building	Third Wed. of Every Month, Noon	POA Office (415) 861-5060
Meeting, Retired Employees of CCSF	Irish Cultural Center	Second Wed. of Every Month, 11:00 AM	Reyna Kuk (415) 681-5949
Retiree Range Re-qualification	SFPD Pistol Range	First Fri. of each Month, 0730 – 1130	Range Staff (415) 587-2274

Specially Scheduled Events

Golf Tourney Women Leaders in Law Enforcement	Poplar Creek Golf Course San Mateo, CA	Monday, November 2, 2009	Robin Matthews (415) 553-1093
Memorial Service SF Probation Dept. Deceased Members	St. Michael's Church 345 7th St., SF	Friday, November 13, 2009 Noon	Karen Totah (415) 553-1706
LPOA Scholarship & Salsa Dinner/Dance And Toy Drive	Janet Pomeroy Center 207 Skyline Blvd., SF	Saturday, November 21, 2009	Maria Oropeza lpoasf@yahoo.com
Retirement Dinner Honoring Lt. Lynette Hoque	Hyatt Fisherman's Wharf 555 N. Point, SF	Thursday, December 10, 2009 6:00 PM	Robin Matthews (415) 553-1093
Holiday Dinner Party SFPD Specialists	Dominic's at Oyster Point 360 Oyster Pt., So. SF	Thursday, December 10, 2009 6:00 PM	Lynn Pomatto Northern Station

This & That...

By Kevin Martin
SFPOA Vice President

Department Reorg...

As the Chief moves forward with his reorganization, promotions were announced by the Chief on Thursday, October 22, 2009 at the Public Employees Group meeting at the Hall of Justice. In this meeting the Chief advised that Deputy Chief Tabak would be promoted to Assistant Chief of Administration; Deputy Chief Cashman would be promoted to Assistant Chief of Operations (Field Operations and Investigations); Assistant Chief Lynch was named Chief of Staff in charge of Budget and Discipline; Deputy Chief Shinn would remain Deputy Chief and transfer to the Airport Bureau and Commander Murphy would be promoted to Deputy Chief of the Municipal Transit Authority. Lieutenant Kitt Crenshaw would be promoted to Commander of the Golden Gate Division where he would oversee the Housing Unit along with Companies C, Bayview Station; F, Park Station; G, Richmond Station; H, Ingleside Station and I, Taraval Station. Captain Jim Dudley of Central Station was promoted to Commander of the Metropolitan Division that includes Companies A, Central Station; B, Southern Station; D, Mission Station; E, Northern Station and J, Tenderloin Station. Commander Kathryn Brown will remain at the Airport Bureau and Commander Sandy Tong will remain at Homeland Security.

Captains' promotions included Anna Brown from EEO to Central Station; Dominic Celaya from the General Works Detail to Tenderloin Station; Michael Biel from the Chief's Office to Personal Crimes Division; Anne Mannix from Southern Station to Northern Station and Thomas Sawyer from the Chief's Office to the Real Time Crime Center. Lieutenant Louis Casanego was promoted to Acting Captain and will be assigned to the Academy. Captain Corrales was reassigned from Traffic to Mission Station; Captain Gregory Suhr from the Public Utilities Commission to Bayview Station; Captain Denise Schmitt from the Academy to Taraval Station; Captain John Goldberg from Tactical Division to Forensic Sciences; Captain Al Pardini from Investigations to the Airport Bureau to replace Captain Ron Roth who is scheduled to retire in the early part of next year; Captain Steve Tacchini from Mission Station to the Traffic Bureau; Captain Al Casciato from Northern Station to Narcotics; Captain Denis O' Leary from Narcotics/Vice Crimes to Homeland Security; Captain Paul Chignell from Taraval Station to Night Supervising Captain; Captain Gary Jimenez from Tenderloin Station to Night Supervising Captain. Also assigned as Night Supervising Captains were Captains Fotinos, Tittel and Captain Sylvia Harper. Captain Antonio Parra was reassigned to the

Public Utilities Commission.

Lieutenant promotions included Joseph McFadden; Lynn Tomioka; Jason Fox; Raj Vaswani; Michael Redmond and Teresa Gracie.

The Chief also announced approximately forty plus Sergeants would be promoted but was unable to announce those specific individuals.

Suffice it to say, the POA is very happy and proud that so many of our members were promoted and deservedly so. We congratulate all those who were promoted, individually and collectively. We are very aware of all the long hours of study and sacrifice that our members made in quest of their movement in rank and pay grade.

The POA also thanks and congratulates the Chief for promoting so many of our members. I think in time that the Chief will realize just what outstanding individuals were chosen to help lead our department now and in the future.

As has happened in the past, certain members were passed over for promotion. This is always been a very sensitive point of contention as it adversely affects individual members, their families and loved ones but certainly has an effect on us all.

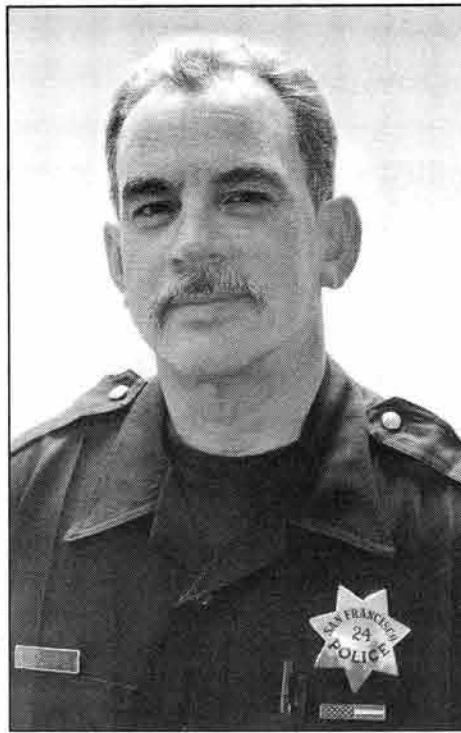
It is my hope that anyone who was passed over received a fair and balanced review of any incident(s) that may have occurred which proved to be causes for concern. It can be very disheartening to have a career reflected on one unfortunate incident. One incident, good or bad does not define a career...nor should it. Steve Johnson and I always remind each other that there is always more than one side to a story...that the powers that be do not always get the whole story...or only certain aspects of an incident are brought to light and presented with a prejudice or bias that can be detrimental to a prospective promotional candidate.

This is an aspect of the promotional process that I believe needs to be expanded so that all sides of an issue can be presented in a fair and impartial light.

To all those who were promoted, I offer my sincerest congratulations and wish all of you all the luck and good fortune in the world on your new jobs...Godspeed to you all!

UCSF Harvest Festival...

On Tuesday, October 20, 2009 an outstanding group of SFPD and POA members made their way to UCSF to help some very special children and their families to the annual Harvest Festival. Officers from all over the city met and joined together and had a great time playing games with youngsters, carving pumpkins, taking pictures and giving away some fabulous prizes to all the children who participated. The Officers included, Kim Koltzoff and "The Great" Stevie Wonder from Central; FTO Elmer Najarro and his outstanding recruit,



David O' Keefe from Southern; Louis Hargreaves and Ali Misaghi from Bayview; Mari Shepard from Mission; Bret McManigal of Northern Station and Patrick Brady from Richmond Station. All had a great time and we all shared some great laughs. Each of the above named officers brought some very bright rays of sunshine into some outstanding youngsters who are enduring some very difficult and complicated medical issues. It was a wonderful opportunity to give them and their families a reason to smile and forget about their troubles for a couple of hours. I am very grateful for the truly wonderful efforts put forth by the officers, and I offer them again my sincerest thanks.

A very special thanks to the following for helping me schedule the above named officers to attend this event: Sergeant Vinnie Catanzaro; Lieutenant Annie Mannix; Lieutenant Bill Roualdes; Lieutenant Garrett Tom; Lieutenant Tim Plyer and Captain Richard Corriea.

On Wednesday, October 28, 2009 a group of officers from Park Station visited the children at UCSF to play "Quiz Show," an educational based game played by the school aged children and officers. Officers Trevor Kelly, Theresa Conway, Ocean Embody and Theresa Conway spent about two hours with the children and all had a great time. The efforts, kindness and consideration of the officers were appreciated by the youngsters, their families and the staff of the hospital. Again, my sincerest thanks to the above named officers from Park Station along with Park Station POA Representative, Rob Imbellino for helping schedule the officers.

BALEAF Anniversary Celebration...

Please join us for the 10th Anniversary celebration of BALEAF, the Bay Area Law Enforcement Assistance Fund, which will take place on Friday, November 13, 2009 from 6:00 PM until 10:00 PM at the San Francisco Police Officers' Association Building.

There is no cost to attend this event as it is being generously sponsored by the SFPOA, the San Francisco Police

Credit Union, and BALEAF.

If you plan to attend this event, please RSVP your group to BALEAF at P.O. Box 31764, San Francisco, Ca. 94131; by e-mail to Marilyn Rosekind at Bunnyl8dy@att.net or to Kevin Martin at the SFPOA. If you have any questions or concerns, please feel free to contact Sergeant Mary Dunigan at the Behavioral Science Unit at 415-837-0875 or Kevin Martin at 415-861-5060.

BALEAF is an outstanding organization dedicated to offering care, comfort and resources to Bay Area Law Enforcement Officers and their families during times of crisis and need.

BALEAF is always looking for support and contributions to assist others and now is the time for you to get involved. BALEAF is among the many local charities involved in the 2009 Combined Charities Campaign. If you are interested in contributing to a most worthy cause, please contact your respective Watch Commander or OIC for a Combined Charities brochure which will take only a few minutes to complete. The BALEAF code number is "L2027." On behalf of the BALEAF Board of Director's, thank you very much in advance for your consideration and your support.

Medal of Valor Awards Ceremony...

On Wednesday, October 14, 2009, the department held a Medal of Valor Awards Ceremony at the Mission Bay Conference Center at UCSF in the Robertson Auditorium. The following members received our department's highest honors for "actions above and beyond the normal call of duty."

The POA is very proud of our members, individually and collectively who were recognized by the department for their heroic actions.

Receiving the Gold Medal of Valor were Inspector Richard Alves (recently retired); Sergeant/Inspector Mark Gamble; Officer David Seid; Sergeant John Burke; Officer Joshua Kumli; Sergeant/Inspector Sylvia Morrow; Inspector Thomas Newland; Officer Daniel Simone; Sergeant Kevin Knoble; and Lieutenant John Bisordi (Ret. SFPD).

The Silver Medal of Valor was awarded to Sergeant John Greenwood; Officer Wendell Jones; Officer Moses Gala; Officer Joshua Olson; Officer Eric Chiang; Sergeant Sam Christ; Officer Thomas Smith; Officer Jimmy Trail; Officer Greg Buhagiar; and Sergeant Matt O' Leary.

The Bronze Medal of Valor was awarded to Lieutenant John Garrity; Inspector John Keane; Officer Jason Johnson; Officer David Nastari; Sergeant Kimberly Reynolds; Officer Kenneth Weems; Officer Katherine Holder; Officer Eric Whitney and Officer Michael Lewis (recently retired) who also received the departments' Purple Heart Award.

Once again, I sincerely congratulate all of the above named members for their outstanding police work...certainly a job well done!

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Condolences...

The POA offers its deepest sympathies to Sergeant Joe Fischer for the loss of his mother, Frances C. Fischer who passed away on October 21, 2009.

We also extend our thoughts and prayers to the family and friends of Mr. Ramon Ramirez, family patriarch and founder/owner of Don Ramon's Restaurant who also recently passed away. The funeral mass for Don Ramon Ramirez was held on Monday, October 21st at St. Ignatius Church in San Francisco.

Thanks once again to Co. K, Traffic Company for their outstanding show of support for the Ramirez family with their usual outstanding motorcycle escort.

The Ramirez Family has been very close to the members of the SFPD for many, many years. Countless events have been held at Don Ramon's Restaurant and we look forward to many more years of friendship.

Our thoughts and prayers go out to the Fischer and Ramirez families and to all families of "our family" who have relatives who are sick or infirmed. May God bless them all and may he keep them safe and healthy.

Baseball History...

As the World Series beckons upon us, I am very happy to see the New York Yankees back in the mix. Quite often I can be seen wearing a New York Yankees hat and people have asked why I am such a Yankee fan. I usually reply, "...Because I'm a good American!"...but, that is only part of the story. In truth, I think any cop worth his or her weight should be Yankee fans for a much better if not sentimental reason. The following is from the New York Yankee Website as it pertains to the history of the Yankees in general and their uniform in particular:

"What would become the most recognizable insignia in sports, the interlocking 'NY' made its first appearance on the uniforms of the New York Highlanders in 1909. The design was actually created in 1877 by Louis B. Tiffany for a medal to be given by the New York City Police Department to Officer John McDowell, the first NYC policeman shot in the line of duty. Perhaps because one of the club's owners, Bill Devery, was a former New York police chief, the design was adapted by the Highlanders. It first appeared on the cap and left sleeve, replacing the separated 'N' and 'Y' which appeared on the left and right breast each season since 1903 with the exception of 1905. For that season only, the 'N' and 'Y' were merged side by side into a monogram on the left breast actually a forerunner of the now legendary emblem".

In contrast, the Red Sox and Dodger uniforms were designed and fashioned by bums, losers and derelicts...just ask Brian Michaud (Co. J) or Greg Neal (Co. K).

Go Yankees!

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This month's article is dedicated to the wonderful and touching memory of Madison Elaine Magee whom I have written about in this newspaper before. Madison is one of the children we met at Family House (an extension of UCSF Hospital) last Thanksgiving when a group of POA members cooked dinner for the residents. Madison was an instant hit with all of us and I will never forget seeing her for the first time sporting her fairy wings. A few months later we were able to grant a special wish for Madison who was treated along with members of her family for a special tour of the Steinhart Aquarium in Golden Gate Park and a ride on a horse with members of our Mounted Unit.

Madison's obituary appeared in the Ceres (California) Courier in early October of this year. In part it reads as follows:

Madison Elaine Magee...September 23, 2002 – September 29, 2009

Madison died at home in the arms of her parents on September 29 after a brave battle with brain cancer. Madison was born on September 23, 2002 in Modesto. She was in the first grade and loved school. She enjoyed movies, puzzles, swimming, karate, and playing with her sister and cousins. Madison loved life. She found joy in everything around her and the inner beauty she possessed flowed out over everything she touched. The immediate positive effect she had on people of all ages was apparent from the very first moment of contact. She was and will remain a reminder to all of us who knew her what love and friendship really are."

I don't mind saying that I was absolutely touched by this young child and I cried like a baby when her mother called me and told of Madison's passing.

I recently learned that Madison's attitude and outlook on life never faltered...even towards the end. In one moment when her legs just gave out on her she just smiled to her mother and said, "It's okay mom, my legs just aren't working today." Madison was truly an angel of God.

When speaking to Madison's mom, Keri, I told her that the POA was once again planning to cook Thanksgiving Dinner at Family House this year only we would be calling it the "Annual Madison Magee Family House Thanksgiving Dinner."

With this in mind, if any of our members would like to participate and lend a hand in this year's event, please feel free to contact me at the POA by way of departmental mail or call me at the POA at 415-861-5060.

God bless you all, your families and loved ones..."Stay frosty out there..."

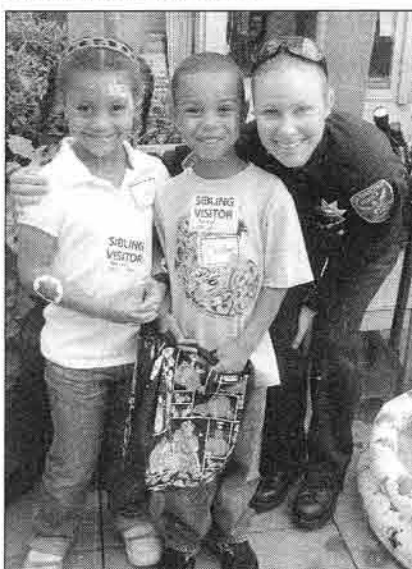
**Dear Kevin —**

Thank you so very much for all of your help with our Harvest Festival this year! It was a huge success with over 30 children attending the festivities on the patio, and even more children enjoying the fun at their bedside! We would not have been able to make this event possible without the support of the SFPOA. The officers who spent their time at the hospital were incredible! We truly thank each of them for their valuable time! Thank you to: Officer D. O'Keeffe, Officer E. Najarro, Officer M. Shepard, Officer L. Hargreaves, Officer A. Misaghi, Officer P. Brady, Officer K. Koltzoff, Officer B. McManigal, and to you, Kevin for your continued support of the Child Life Department's programs at UCSF Children's Hospital.

Please find the attached pictures of our event. We hope you had as much fun as we did!



Many Thanks,
The Child Life Department
Erin Cambra, MA, CCLS
Child Life Specialist II
UCSF Childrens Hospital



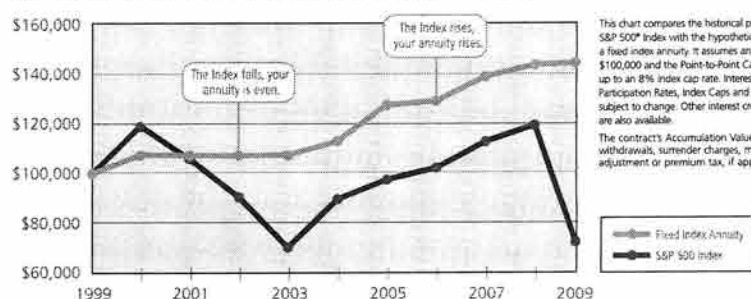
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Inspector of the Month



Inspector Peter Walsh has been a member of the Special Investigations Division for the past 16 years.

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He is diligent and thorough in every aspect of an investigation leaving no stone unturned and nothing left to chance.

Inspector Walsh has proven time and time again that he is an outstanding investigator and a dedicated member of the San Francisco Police Department.

From the DA's Office

Defendant Convicted Of Second-Degree Murder In Western Addition Shooting

SAN FRANCISCO, CA - District Attorney Kamala D. Harris announced today that Ronnie "Ron Ruger" Louvier, age 24 (Court No. 2388429), was convicted of second-degree murder (a violation of Penal Code Section 187(a)) by a San Francisco jury. The jury also found the gun-use enhancement on the murder charge (Penal Code Section 12022.53(d)) to be true. The jury found the defendant not guilty of participating in a criminal street gang. The guilty verdict was handed down in Department 19 of San Francisco Superior Court late Friday morning following a two-month trial in front of the Honorable Donald Mitchell and nearly two weeks of jury deliberations. The defendant faces a minimum of 40 years to life in state prison.

"Justice was served today. The jury held the defendant accountable for committing this senseless, brutal murder," said District Attorney Kamala D. Harris. "Marshall Khine and the SFPD inspectors should be commended for building a remarkably strong circumstantial case against the defendant, piece by piece, through hard work, diligence and attention to detail."

"On March 20, 2008, at approximately 8 p.m., Marquise Washington, 17, was walking with a friend on Turk Street when he stopped to look into a building. The friend then saw a car approach. The car stopped, then drove off and turned on Gough Street. The car returned and stopped alongside the two. The window was lowered and the friend, who sensed something was wrong, told Marquise to run. The friend heard two gunshots; the first shot hit Marquise. Marquise Washington died nearly instantly from one gunshot to the back of his head. The car drove off."

The next morning, after receiving information from a witness about the license plate number of the vehicle used in the slaying, police found the car in a parking lot across the street from the defendant's residence in San Leandro, California. The police conducted surveillance on the area and the defendant was observed twice by the police approaching the car and wiping down the driver's side door and window. When the defendant opened the car door, police moved in and placed him in custody.

The police executed a search warrant on the defendant's San Leand-

ro residence and in his bedroom they found a 50-count box of 9mm cartridges on his nightstand. The murder weapon was found hidden on a shelf in the back of the dashboard of the defendant's car. The defendant's DNA profile was found on the gun and the defendant had gunshot residue on his hands. The cartridges on the nightstand were of the same make, caliber and head stamp as the cartridges used in the murder and the cartridges that were loaded in the murder weapon. Police recovered 39 cartridges in the 50-count ammunition box-11 cartridges from the box were unaccounted for. Two cartridges had been shot in the course of the murder, however, and 9 live cartridges were found in the clip of the murder weapon, which accounted for every cartridge in the box.

The People presented evidence that items discovered by the police in the defendant's bedroom the day after the murder illustrated his continued membership and active participation in the "800 Block" street gang. For example, the defendant possessed a hand-drawn 800 Block symbol "8'S Up," which appeared to be a design for an expensive, custom-made gold and diamond 800 Block medallion. As Gang Task Force Officer Damon Jackson testified, only someone who is affiliated with the 800 Block gang would get jewelry made with that specific symbol. Likewise, in defendant's home were rap lyrics that speak of "8'S Up," "Fillmore," shooting people, and murder. Lastly, defendant's own text messages indicated his current gang membership. In those messages, he brags about 800 Block and the "Head Shots Committee," a term the Gang Expert opined was about murdering people by shooting them in the head. Victim Marquise Washington was killed by a gunshot to the back of his head.

The arrest and prosecution of defendant Ronnie Louvier is the result of a first-rate investigation by San Francisco Police Department Inspectors Brian Delhahunt and Tom Newland. Jean Hassett is the Victim Advocate assigned to the case. Marshall Khine is the Assistant District Attorney who prosecuted the defendant. Assistant District Attorney Linda Allen assisted in the prosecution.

No sentencing date has been set.



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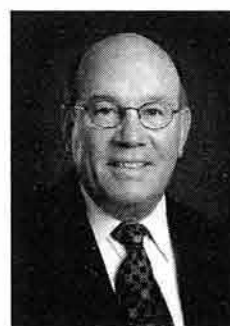
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Ask Mike...the Retiree's Corner

By Mike Hebel
POA Welfare Officer

Congratulations to Al Casciato

Al Casciato is unopposed in his bid for a 4th term as a member-elected Retirement Board commissioner. Al, a 38 year veteran currently serving as commanding officer at Northern Station, has served on the Retirement Board for the last 15 years. As a very popular and capable commissioner and strong vote getter, no other member sought to run against Al. Al has told me that he will be elected president of the Retirement Board for FY 2010-2011. His focus will be two fold: ensuring the strength of the System's trust fund and working with a statewide coalition of public sector systems to oppose legislation adversely affecting current retirement benefits.

The McCauley Public Pension Initiatives

Q Mike, you have previously discussed two initiative petitions filed by a Southern California CPA by the name of McCauley. What is the status of these two anti-public employee pension petitions?

A Good news! Both petitions did not reach the Secretary of State's office. It appears that no signatures were turned in for either petition. The "McCauley Public Employee Pension Reform Act" needed 694,354 signatures by June 22, 2009. This proposal would have eliminated state constitutional restrictions on renegotiating public employee pension contracts; it called for reducing vested pension benefits for existing and prospective public-sector retirees. The second, entitled "McCauley Pension Recovery Act," required 433,971 signatures by October 15, 2009. This proposal would have imposed additional, annual taxes on California residents who receive income in excess of \$40,000 from pension distributions, social security, and the cash value of health care benefits. It would also have imposed a one-time, additional tax on non-California residents whose pension benefits exceed \$50,000 in a year, and who earned income in California. Both have failed to qualify for the ballot.

Civil Grand Jury Report on Police/Fire Pensions

Q Mike, several months ago you wrote that the San Francisco Civil Grand Jury had issued a blistering report critical of police/fire pensions. Is that report now gathering dust at City Hall?

A Hardly! The Board of Supervisors has scheduled hearings on this report. The first will be held, at City Hall, on Thursday, November 12 between 1-5 pm. That report, entitled *Pensions: Beyond Our Ability To Pay*, stated that the City of San Francisco may be unprepared to meet its pension obligations without severe cuts in essential services to the residents of the City and the business interests who employ thousands of San Franciscans. The report found that "55% of firefighters and 60% of police officers, who retired since 1988, currently receive an annual pension that exceeds their highest annual compensation paid to them at the time of their retirement." The Grand Jury recommended that a third tier pension system be established for all new employees; it recommended a change to a defined-contribution plan similar to the current voluntary 457 deferred compensation plan. I believe that the Supervisors will focus on this recommendation. In my judgment, the call for a third tier, a defined contribution plan, is both unsubstantiated by the Grand Jury's data and is pernicious to the recruitment and retention efforts of the public safety services in San Francisco. Herb Meiburger, Retirement Board commissioner, has recently stated that a defined contribution plan "guarantees that retirees will be living under the City's underpasses and will most certainly outlive their pension savings."

California Foundation For Fiscal Responsibility

Q Mike, I saw a small article in my local newspaper talking about a new organization founded by former Assemblyman Keith Richman — a real enemy of public employees. What's he up to now??

A Keith Richman has put together another pension reform group that is currently writing an initiative that would not only cut benefits for new hires and

push back retirement ages, but also establish a single statewide pension rate. The California Foundation for Fiscal Responsibility hopes to put the initiative on the November 2010 ballot. Richman says that government agencies are under pressure to raise pension benefits to remain competitive with other government agencies thereby "ratcheting up" pension costs. This one bears close monitoring. Last week, the California Senate and Assembly Select Committees on Improving State Government held informational meetings. On the agenda were public pensions. State Treasurer Bill Lockyer, who sits on both CalPERS (largest California public employees' pension system) and CalSTRS (teachers' pension system) pension boards, said: "It's impossible for this Legislature to reform the pension system, and if we don't it will bankrupt the state." CalPERS chief actuary, Ron Seeling, has recently publicly opined that current pension benefits are unsustainable. Lockyer believes that a two-tier retirement system is ultimately inevitable. Lockyer is considered a friend of labor and public employees. This makes his pronouncements worthy of attention.

Q Mike, what's happening with the deferred compensation stable value fund? Most of my money is in this account. I am still worried about its market to book value.

A Since most of your deferred compensation plan monies are in this account, you should watch it like a hungry hawk in search of a meal for this account is not guaranteed by the federal government, or any other government. When Great West Retirement Services was awarded the deferred compensation contract, effective January 30,



2009, it received the stable value assets from ING. The assets had shrunk to 85% of book value; that is, the fund had market losses of \$109 million. By March, 2009, now under Great West's management, the market value had advanced to 88.7% — still then a deficit of \$83 million. And more good news — in September 2009 Great West announced that the market value had again advanced to 93% of book value. Great West has also, effective October 1, increased the annual interest paid on this account from 3.25% to 3.30%. I am convinced that it will be able to make additional increases as the market value approaches/reaches 100% of book value.

Mike Hebel has been the POA's Welfare Officer since January 1974. He is an attorney and a certified financial planner. He has received awards/recognition as a Northern California "super lawyer" and included amongst "America's top financial planners." He represents POA members at the City's Retirement Board and at the Workers' Compensation Appeals Board. He also advises on investment matters pertaining to the City's deferred compensation plan. Mike retired from the SFPD in 1994 after a distinguished 28 year career. If you have a question for Mike, send an e-mail to mike@sfpoa.org or call him at 861-0211.

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Major new study

How Your Eyes Can Cast Your Fate In A Gunfight

Part 1 of a 2-part series

Forwarded to the Journal
by Mike Nevin, Management Control

A major new study by the Force Science Research Center for the first time has identified exactly how the "gaze patterns" of officers who are likely to win gunfights differ from those who are likely to lose them.

Winners, it is revealed, tend to anticipate an emerging threat sooner, shoot to stop it faster and more accurately, and make fewer errors in judgment because of the unique way in which they watch a potential attacker's body as a deadly confrontation unfolds.

A key finding: Those who win lethal assaults do so, in part, because they achieve target acquisition with their firearm in a way that is directly opposite of how most officers are trained.

"This unique study shows that winning a gunfight involves more than just issues of action and reaction times," FSRC's executive director Dr. Bill Lewinski told Force Science News. "Where an officer is looking during an encounter, what kind of information he is picking up, and how he is processing it are also vitally important. An effective gaze control strategy can help officers minimize or defeat the action/reaction advantage that the suspect might otherwise have."

"In short, an officer's performance can be impaired or enhanced by where his eyes and attention are focused in the midst of a deadly encounter."

What the new study discovered about that phenomenon, Lewinski says, could have significant repercussions on law enforcement firearms training.

The study was conducted by Lewinski and Dr. Joan Vickers of Canada's University of Calgary, a renowned researcher of the relationship between eye movement and athletic performance. They recently presented the first detailed report of their findings at the prestigious International Conference on Spatial Cognition in Rome.

Their full paper, "Gaze Control and Shooting Performance of Elite and Rookie Police Officers During a Force-on-Force Encounter," will be posted on the Force Science website once it has been published in an academic journal. Meanwhile, FSN's 2-part series is the first disclosure to the international law enforcement community about the study's surprising practical discoveries.

Force-On-Force Set-Up

Field work for the research was conducted a year ago in the United Kingdom with the help of 24 police volunteers. Eleven were highly experienced, male veterans of an Emergency Response Team (ERT), seasoned in fighting terrorists among other assignments, with a median age of nearly 39. The rest were younger rookies (median age just over 30), 7 of them female, who had completed their pre-service firearms and simulation training and were considered "ready for the street." Both groups predominately were right-eye shooters.

The research scenario, designed by Lewinski, was based on an actual incident. One at a time the volunteers were armed with a holstered Glock pistol fitted to fire a single Simunition cartridge and told they were on duty to "provide security" at an embassy office where intelligence had indicated an armed encounter would occur that day.

About 20 feet in front of the officer being tested was a receptionist at a desk. Presently an adult male, playing the role of a civilian tourist, entered the room and engaged the receptionist in conversation regarding a problem with his passport, keeping his back to the subject officer.

Initially the exchange was polite but as the receptionist proved not to be helpful the man became increasingly agitated. About 3 seconds before the end of the 1-minute scenario, his voice started to rise and he began cursing and slapping the table. Suddenly, in an explosion of rage, he yanked an object from under his coat and pivoted quickly.

In most instances, the object was a handgun and he fired at the officer. But randomly he spun around only with a cell phone. The volunteers were not advised in advance of this "catch" switch. They were told only that they should "handle the threat" appropriately, using their handgun.

"The suspect's dynamic turning and shooting unfolded very rapidly," Lewinski says, "and presented quite a challenge for any officer. We wanted to detect the clearest demonstration of operational differences, and that's why groups of the best and the least experienced officers were chosen."

Each volunteer went through the scenario 7 times. According to the researchers, no significant change was noticed in their reactions with repetition.

Shooting Performance

The ERT officers, considered the elite shooters in the study, strongly out-performed the rookies.

- First of all, the ERT spent significantly less time assessing the situation before drawing their gun. On whole, they drew "well before the assailant began his pivot," Vickers reports. Most drew early and "held [their gun] at chest level before aiming." The rookies tended to delay drawing until about a second after his turn.
- The ERT shot before the assailant got his round off 92.5% of the time, beating him by an average of nearly 180 milliseconds (ms). The rookies shot first only about 42% of the time and on average lagged behind the attacker by more than 13 ms.

"A key finding: Those who win lethal assaults do so, in part, because they achieve target acquisition with their firearm in a way that is directly opposite of how most officers are trained."

Sophisticated Monitoring

During the scenario, each officer wore a light-weight, head-mounted apparatus with 2 sophisticated and highly sensitive computer-interactive components: 1) a small video camera that filmed the scene being played out in front of the officer from the officer's perspective, and 2) a mobile monocular "eye tracker" that used reflection off of the officer's cornea to precisely document his line of sight.

Just where the officer's gaze was directed at any given split-second was overlaid on the digital image the camera was recording, in the form of a small red circle. In other words, exactly where the officer was looking, when he was looking there, in what sequence, and for how long were all captured in a continuous, time-coded format that allowed every location of his gaze to be noted and analyzed later.

A separate video camera was placed in the room to photograph each officer frontally from head to toe as he experienced and reacted to the role-playing. These images were later synced with those from the headgear. (The data collection system, developed by Vickers, is called the vision-in-action method. Samples of the recordings will be posted on the Force Science website when the academic paper is posted. For more information, see Vickers' book, *Perception, Cognition and Decision Training: The Quiet Eye in Action*.)

Keeping the scenario consistent across all officers, of course, was critical for comparison purposes. So the receptionist (played by FSRC executive Patricia Thiem) and the suspect (played by Lt. Lee Edwards of the Minneapolis PD) worked extensively with an acting coach, who trained them to maintain the same timing and mannerisms across repeated performances.

The field recordings took 2 full weeks to complete; the subsequent analysis took months. Here are the most significant findings:

Responding "very poorly," the study says, the rookies essentially "reacted to his attack, rather than being ahead of him as were the ERT during every phase of the encounter."

- The ERT hit the assailant nearly 75% of the time, compared to about 54% — "slightly more than chance" — for the recently trained rookies. ERT hits were in the upper torso (center mass) 62% of the time, versus about 48% for the rookies.
- In more than 60% of their trials, rookies fired when the assailant brandished a cell phone instead of a gun, compared to only about 18% for the ERT.

Gaze Patterns

Anyone would expect highly experienced elites to shoot better than rank novices, but what's impressive is the relationship that gaze and focus appeared to have to performance.

As part of their meticulous analysis of where the test subjects were looking during the last critical 7 seconds of the scenario, the researchers tabulated 2 important factors: fixations (when an officer's gaze was stable on an object or location within a 3-degree visual angle for 100 ms or longer) and saccades (when the eyes moved rapidly from 1 fixed location to another for at least 66.66 ms).

Among their discoveries, these are considered most meaningful:

- The ERT officers tended to use fixations of only short duration early in the encounter, during their initial assessment and as the suspect began to pivot toward them. Then they used longer-duration fixations as they aimed and fired. "They needed less time to 'read' critical cues" and acquire external feedback information that "allowed them to prepare their shooting movements in advance and prevail over the assailant."

continued on next page



Photo courtesy of Insp. Matt Perez

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ant," the researchers explain. Thus the ERT "were ahead of the assailant in terms of their motor phases and gaze control across all phases of the encounter."

- "The rookies used an opposite strategy and had long-duration fixations at the outset and shorter durations as they aimed and fired." In effect, "the rookies were behind" the suspect's actions and were "caught by surprise." They "used a reactive strategy where they acquired information at the last moment, which was inadequate both in terms of its content and timing for the extreme demands of the encounter."
- "The ERT had a higher frequency of fixations than the rookies in all phases [of the scenario] except the aim/fire phase, when the ERT had fewer fixations to fewer locations than the rookies, indicative of greater focus and concentration as they aimed and fired."
- The ERT increasingly directed their attention to the suspect's gun hand/arm as the scenario evolved. "They increased the percent of fixations to this location from 21% in the assessment and early pivot phases to 71% during the final 2 seconds. On hits, the ERT directed 86% of their final fixations to this one location, revealing a remarkable degree of focus and concentration under fire." And, the study explains, they had time for a final, undisturbed period of super-concentration that Vicker's calls "the quiet eye," which has been linked with high performance across many different genres of athletics. In this, their eye remained

settled on a defined target location through trigger pull.

- "The rookies did not show the same funneling of their attention to the assailant's gun hand/arm," the study points out. Early on, similar to the ERT, they concentrated a minority of their fixations there. But at the time the suspect aimed and fired, only 33% of the rookies' fixations were directed there, a modest and inadequate increase. And whatever quiet-eye time they exhibited was significantly lower.

Tell-Tale Saccade

Perhaps most startling, the officers' last abrupt shift of gaze before firing was found to be radically different between the 2 groups.

- The rookie's final saccade, especially among those who missed when they fired, "occurred at the same time they tried to fixate the target and aim," the study reveals. At that critical moment in the last 500 ms, the rookies in a staggering 82% of their tests took their eyes off the assailant and attempted to look at their own gun, trying to find or confirm sight alignment as they aimed. "This pulled them out of the gunfight for what turned out to be a significant period of time," Lewinski says. Vickers adds: "On a high percentage of their shots, the rookies did not see the assailant as they fired," contributing to inaccurate shooting and the misjudgment of the cell phone as a threat.
- About 30% of the ERT also looked at their gun, but their timing was different. Most of those gaze-shifts

occurred before the officers aimed, "followed by the onset of their aim and fixation on the target and firing."

Flawed Training?

The researchers pose the possibility that the rookies' training may have contributed to their poor performance. They were taught pistolcraft "similar to how most police officers first learn to shoot a handgun: to focus first on the rear sight, then on the front sight, and finally on the target, aligning all 3 before pulling the trigger."

"This is a very time-consuming process and one that was not successful in this study," Vickers says.

Somewhere across their training, practice, and experience, the successful ERT officers had learned what essentially is a reverse process: Their immediate and predominate focus is on the weapon carried by their attacker. With their gaze concentrated there, they bring their gun up to their line of sight and catch their sights only in their peripheral vision, a subtle "sight glimpse," as Lewinski terms it. "They have an unconscious kinesthetic sense to know that their gun is up and positioned properly," he says. "This is a focus strategy that Olympic shooters use," says Vickers, "and it is simpler, faster, and more effective."

As the assailant's actual attack got underway, the elite officers were zeroed in on a "weapons focus." That is, the ERT officers' "fixations were not directed to the assailant's centre of mass as he pivoted and fired, but to the weapon itself, which he held away from his body until the moment he fired. The ERT tracked the weapon

as soon as it was visible, using a series of fixations. Because he was moving rapidly, it was only during the last few milliseconds that his centre mass presented a viable target."

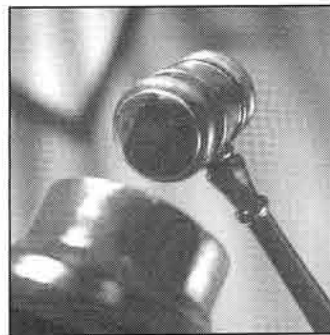
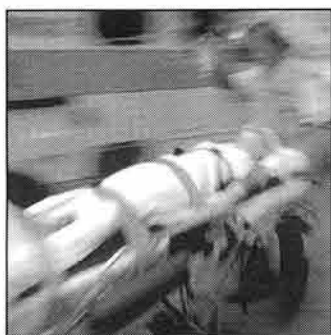
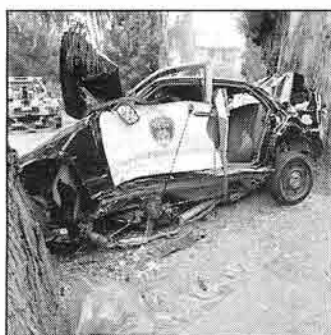
"This intense attentiveness to the weapon can have memory implications later on," Lewinski explains. "Now we have an empirical study showing why an officer who survives a gunfight may be unable to identify a perpetrator's face or recall other important details proximate to the shooting, such as the body position or turning action of the subject."

Now that the study has documented important ways in which expert shooters behave, how can trainers best convey these elite skills to other officers? "FSRC plans to do more work with Dr. Vickers to identify answers to that question," Lewinski says. "But already, these findings suggest some important changes that will point us in the right direction."

NOTE: The gaze pattern study was funded jointly by the National Police Federation of England and Wales and the Force Science Research Center.

Next: What will it take in terms of gaze and attention training to make police firearms skills much greater much faster?

Editor's note: The next Force Science Certification Course has been scheduled for February 8-12, 2010 in San Jose, California. Registrations are now being taken. Full details on the course can be found at www.forcescience.org/sanjose2010.pdf.



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2010 Census Cautions from the Better Business Bureau

Be Cautious About Giving Info to Census Workers

By Susan Johnson
Forwarded to the Journal
by Gus Coreris, Retired SFPD

With the U.S. Census process beginning, the Better Business Bureau (BBB) advises people to be cooperative, but cautious, so as not to become a victim of fraud or identity theft. The first phase of the 2010 U.S. Census is under way as workers have begun verifying the addresses of households across the country. Eventually, more than 140,000 U.S. Census workers will count every person in the United States and will gather information about every person living at each address including name, age, gender, race, and other relevant data.

The big question is — how do you tell the difference between a U.S. Census worker and a con artist? BBB offers the following advice:

- If a U.S. Census worker knocks on your door, they will have a badge, a handheld device, a Census Bureau canvas bag, and a confidentiality notice. Ask to see their identification and their badge before answering their questions. However, you should never invite anyone you don't know into your home.

- Census workers are currently only knocking on doors to verify address information. Do not give your Social Security number, credit card or banking information to anyone, even if they claim they need it for the U.S. Census. Remember, no matter what they ask, you really only need to tell them how many people live at your address.

While the Census Bureau might ask for basic financial information, such as a salary range, **YOU DON'T HAVE TO ANSWER ANYTHING AT ALL ABOUT YOUR FINANCIAL SITUATION.** The Census Bureau will not ask for Social Security, bank account, or credit card numbers, nor will employees solicit donations. Any one asking for that information is NOT with the Census Bureau.

Eventually, Census workers may contact you by telephone, mail, or in person at home. However, the Census Bureau will not contact you by Email, so be on the lookout for Email scams impersonating the Census.

Never click on a link or open any attachments in an Email that are supposedly from the U.S. Census Bureau.

For more advice on avoiding identity theft and fraud, visit www.bbb.org

2009 Combined Charities Campaign

By Captain Greg Corrales

The City and County of San Francisco's 2009 Combined Charities Campaign, "Heart of the City," will conclude on November 17, 2009. Every year the campaign raises hundreds of thousands of dollars for Bay Area non-profit organizations. Last year 1,028 members successfully raised \$219,245. Those 1,028 comprised 36.3% of the total members of the Department. The goal this year is to have over 50% participation. This success could not have been realized without your generous support of the campaign.

Chief of Police George Gascon totally supports the campaign and was one of the campaign's first participants. This year's campaign theme, "Give a little...together it means a lot!" underlines the importance of everyone giving what they can. During the remaining days of the campaign, campaign captains will be contacting you to fill out forms, encourage your participation, and answer any questions you may have regarding the participating charities. Please give generously.

As an extra incentive participating contributors will receive raffle tickets for exciting prizes. Raffle donations may include dinners, lunches, hotel stays, merchandise certificates, and much more. The final drawing will be November 17th.

Please help make a difference in the lives of our neighbors and our communities by participating in the 2009 Combined Charities Campaign. With your generous participation, I look forward to a successful campaign. Thank you.

Running for St. Jude Children's Research Hospital

On December 5, 2009 I am running the Memphis 1/2 marathon in support of St. Jude Children's Research Hospital. Founded by Danny Thomas, St. Jude Children's Research Hospital is the foremost research center and treatment facility for children with cancer and other catastrophic pediatric diseases. Discoveries and advances in treatment and research at St. Jude are freely shared with scientific and medical communities around the world. St. Jude Children's Research Hospital is also the only pediatric cancer research center where families never receive bills for treatment costs. No child is ever denied treatment at St. Jude because of a family's financial circumstance or lack of insurance.

Earlier this year another supporter of St. Jude, Margret Mahoney of the SFPD passed away. I will run in honor of her memory and to support the efforts of St. Jude Children's Research Hospital.

I appreciate any contribution to St. Jude in support of my run and in honor of Margret Mahoney. I will personally cover the cost of my participation in the 1/2 marathon (transportation, food, lodging, etc) so 100% of your contribution will go to support the work of St. Jude Children's Research Hospital.

To carry out its mission, St. Jude Children's Research Hospital depends on donations from individuals like you. It currently costs over \$1.4 million per day to support the treatment and research efforts at St. Jude. Eighty percent of the donations received by St. Jude are under \$30 per donation, but together these donations allow St. Jude to continue its pioneering work.

Your contribution can be made online as follows:

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Long-Term Investing

Americans Are Saving and Becoming More Active In Managing Their Retirement Accounts

By Edwin K. Stephens,
The Stephens Group

He that is overcautious will accomplish little.

— Friedrich von Schiller: *Wilhelm Tell*

Get good counsel before you begin; and when you have decided, act promptly.

— C. Sallusti Crispi (Sallust): *Catilina*

What are the three biggest concerns that the American people have with the economy?

Answer: First, eliminate personal debt. Second, fear of job loss. And, third recover lost retirement savings.

America's "New Normal"

According to a May, 2009 survey by AlixPartners, Americans say that even after the recession ends, their spending will return to just 86% of pre-recession levels which would take a trillion dollars per year out of the U.S. economy for years to come. AlixPartners is a leading business advisory firm with professionals who work from 14 global offices in more than a dozen different countries.

AlixPartners conducted an in-depth survey of more than 5,000 people, and noted that Americans plan to save (and therefore not spend) an astounding 14% of their total earnings post-recession. The biggest long-term concerns focused on the replenishment of their 401(k) and other retirement savings. The survey noted that the huge Baby Boom generation, once thought to be moving into the year in which Boomers would be spending their savings, may instead be accounting for more than a third (35%) of dollars saved by Americans post-recession.

Americans are saving more because their retirement savings dropped on average 25% from pre-recession levels, and 25% of the American population feel that their net worth has declined as well. And, almost a quarter of those polled (22%) said that they now plan to retire later than previously expected, driving the expected retirement age up over 3.5 years today to age 65.2 years compared with 2007 levels and a retirement age of 61.6 years.

In that survey 82% of those polled said that they would use upcoming government tax rebates, not to stimulate the economy via immediate spending, but instead will save that money or use it to pay down personal debt. Americans believe that the "new normal" for the United States economy



going forward will be more like the early 1980s than the mid-2000s. And, given what a big export market that is America, this return to saving and eliminating personal debt among consumers will have huge ramifications for companies all around the globe.

Americans Meager Pensions

On October 7, 2009, Stephen Gandel a Time Magazine Business Writer noted that "The tax-deferred 401(k) plan, and others like it, such as the 403(b) and the IRA, have become our nation's go-to retirement piggy bank." The 401(k), 403(b), IRA and the public employees 457 deferred compensation plan were invented nearly 30 years ago as an executive perk-one more way to dodge Uncle Sam. However, the 401(k) was never meant to replace the employer-guaranteed pension fund, supplemented by Social Security, as the cornerstone of our nation's retirement system. Mr. Gandel noted that propelled by a combination of companies looking to cut costs and consumers who wanted control of their retirement destiny, the 401(k) and other tax-deferred retirement accounts have become the cornerstone of our nation's retirement system.

Baby Boomers Underfunded Pensions

The Baby Boom Generation is that Post World War II population born between 1946 and 1964. There are approximately 78 million Baby Boomers who represent the fastest growing age segment in the United States. As of 2009, during the next two decades the number of people retiring each year will double. And surprisingly enough, approximately one third (34%) of pre-retirees have not begun the financial planning process to secure a comfortable retirement.

During the December, 2007 United States market downturn, the 401(k)'s of 55-to 65 year-olds lost a quarter more than those of their 35-to-45-year old colleagues. Mr. Gandel of Time

Magazine stated that's because in your early years, your 401(k)'s growth is driven mostly by contributions. At this point, you control your own destiny. But the longer that you hold a 401(k), the more market-exposed it becomes. Therefore, each person must pay attention to their 401(k) and actively manage the contributions by allocating them to the appropriate asset class based on your age and risk tolerances, with an eye toward your retirement time-horizon.

The Society of Professional Asset-Managers and Record Keepers says nearly 73 million Americans, or just under 50% of our working population, now have a 401(k). And, Americans collectively pour more than \$200 billion into these accounts each year. However, the average 401(k) has a balance of \$45,519. Even worse, 46% or all 401(k) accounts have less than \$10,000.

Currently, just 21% of all U.S. workers are covered by traditional pensions, and the number shrinks every year.

Government Accountability Office
Ms. Alicia Munnell, who heads the Center for Retirement Research at Boston College noted that "The time may

have come to consider returning 401(k) plans to their original position as a third tier of retirement planning, behind pensions and Social Security." Ms. Munnell added that 401(k) plans alone should not be the thing that people rely on for retirement security.

The Government Accountability Office seemed to agree with Ms. Munnell and stated, "If no action is taken, a considerable number of Americans face the prospect of a reduced standard of living in retirement."

It appears that the Great Recession of 2007 has sent shock waves throughout the economy. And, Americans are saving and becoming more active in managing their retirement accounts. If you want to have a comfortable standard of living in retirement, it is essential to save for your future and have a financial plan in place so that you will not have to have a reduced standard of living in retirement.



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Retirements

The San Francisco Police Officers Association congratulates each of the following POA members on his or her recent retirement from the SFPD. These veterans will be difficult to replace, as each takes with him or her decades of experience and job knowledge. The most recently retired POA members are:

- Sergeant Vivian Bruce #1333 from Airport Bureau
- Officer James Drago #792 from the Police Range
- Lieutenant Lynette Hogue #2102 from Central Station
- Officer Daniel May #708 from Traffic Company, Solo
- Inspector Laura Venters #877 from Robbery
- Inspector Daniel Yawczak #1810 from Fraud Detail



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For those who might like to make a night of it in the City, the Hyatt is also providing room rates for just \$99.00, which is also good 3 days before and 3 days after the party!

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Chief's Choice of Pasta with Alfredo Sauce and Mixed Vegetables

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If you're planning on attending, please contact Inspector Robin Matthews at the EEO Unit at 415-553-1093, by cell at 415-794-1229, or by e-mail at RLM2214A@aol.com and let her know how many will be attending, as well as what your food choices will be. (Your meal choice tickets will be provided to you at the party). Checks can be made out to Robin and sent to her at the EEO Office at 850 Bryant, Room 577-4, S.F., CA 94103.

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Former San Francisco Assistant District Attorney (1979-1997)



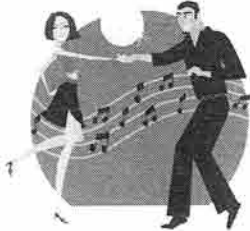
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Please join us for 10th anniversary celebration of

BALEAF:

BAY AREA LAW ENFORCEMENT
ASSISTANCE FUND

FRIDAY, NOVEMBER 13, 2009
6 P.M.-10 P.M.

San Francisco Police Officers Association Building
800 Bryant Street, Second Floor
San Francisco


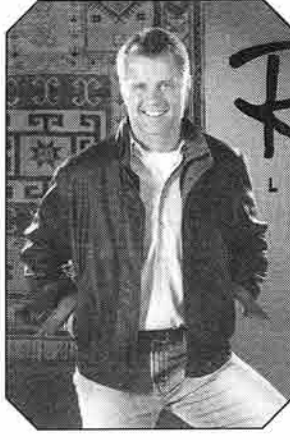
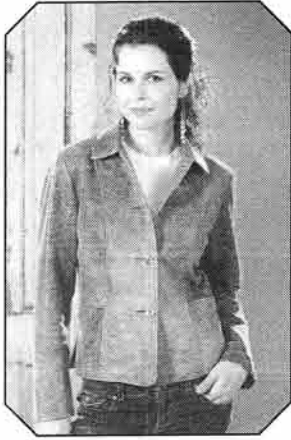
There is no cost to attend this BALEAF celebration because the
food and entertainment is being generously sponsored by:
San Francisco Police Officers Association
San Francisco Police Credit Union
Bay Area Law Enforcement Assistance Fund

It is important to RSVP your name, address, phone and number in
your group by NOVEMBER 1, 2009 to:

BALEAF
P.O. BOX 31764
SAN FRANCISCO, CA 94131
or by e-mail to:
Marilyn Rosekind at Bunnyl8dy@att.net
Questions? Contact:
Sergeant Mary Dunnigan at 415-837-0875
Marilyn Rosekind at Bunnyl8dy@att.net

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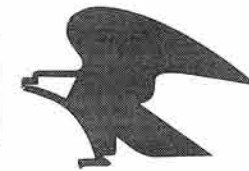
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POA MAIL



An Update and Message to our SFPD Family —

Now that the dust has settled after the amazing "Friends of Frankie" benefit night, and all the work that preceded it, I wanted to express our heartfelt thanks to everyone who was a part of it. Marty, Gary, Kevin, and the POA Board of Directors and staff have been a truly solid crutch for us since this all began at the end of May. Looking back on those dreadful early days it is clear to me now that asking for help is the last thing on your mind when your world changes. When it comes to you regardless it is quite priceless. This holds true also for certain colleagues in CSI who have been there from the onset and have helped our family in countless and subtle ways.

The organizers of the benefit did an amazing job. You know who you are, and if I have not individually acknowledged your efforts it is due only to my lack of information! I must make special mention of the personnel of Bayview and Taraval Stations, who have been so thoughtful in unique ways. Thank you all.

Our family has little knowledge of the scope of participation in all that has happened behind the scenes, but we have been reliably informed that a great many people were exceedingly generous in so many different ways. Aside from a considerable number of SFPD brethren I realize that there were others from the SF District Attorney's office and beyond that became involved in the "Friends of Frankie" fundraising. All I can say is that, though we may never know who you are, you have our eternal gratitude. It is less about the actual contributions than it is about the concern and good wishes expressed for the wellbeing of our beautiful boy, Frankie.

Frankie is about to engage the most severe stage of chemotherapy, which will last until Christmas. We are hopeful that he will endure it with the same strength and dignity he has demonstrated over the last 4 months. He is well aware that his fight is carried in the hearts of so many of you and it makes a big difference. I can tell you that it has made a huge difference to me personally to have so many of you inquire as to his progress. Frankie's fight against cancer has touched a lot of people, and the rallying of so many good souls has been astounding. The world is not such a lonely place after all.

With every good wish, and with deep-felt respect to you all,
Ronan Shouldice
SFPD — CSI

To The Honorable Nancy Pelosi
October 15, 2009
The Honorable Nancy Pelosi
Speaker of the House of Representatives

Dear Speaker Pelosi:

The San Francisco Police Officers' Association is in agreement with your proposed legislation to extend affordable, quality health insurance coverage to as many of our citizens as is possible. We are in agreement with your efforts to end the insurance industry's practice of denying

coverage because of pre-existing conditions or using age to price older Americans out of affordable, quality health insurance. We are in agreement with your efforts to contain rising health care costs. We believe that your twin health care reform goals (extend insurance coverage and address the health-care system's underlying problems) are the correct ones.

It has always been our understanding that these goals would be met without increasing costs to the vast majority of Americans who already have health care insurance.

Two provisions that have been proposed in Senate committees are of much concern to us. The first would impose a 35% excise tax on insurance plans that cost more than \$8,000 a year for an individual or \$21,000 for a family. This has been called the "Cadillac-Plan" tax. Secondly, there is a proposal to ax the Medicare Advantage Program. Our members would fall under both the excise tax and the Medicare Advantage elimination. We urge that neither be included in any health care reform bill that is voted out of the House of Representatives.

We have collectively bargained for health care plans that protect both our members and their families. We have won increased coverage over many contract years. These benefits are part of our employment contract for which we have made concessions in other economic areas. We urge you to oppose any excise tax.

When our retired members reach Medicare eligibility, the City's health plans require the members to sign up for Medicare and enter into an Advantage Program. In so doing, our members are not required to obtain supplemental (medi-gap) insurance. We urge continuation of the Advantage Program.

Thank you for your diligent and persistent efforts to attain health care reform.

Sincerely,
Gary Delagnes, President

Dear POA —

Thank you so much for your donation of \$500 toward the Mac-CanDo Tenderloin Youth Track Club. In addition to the \$500 donation from members of Tenderloin Police Station, we were able to make a donation \$1000 to enable eleven youth club members to compete in the 2009 AAU National Junior Olympics in Des Moines, Iowa this past August. The check for \$1000 was presented to Robert MacDaniels, Recreation and Park Department, which was documented by the Central City Extra.

These intrepid children of the Tenderloin District did very well and won several medals.

Thanks again for helping to building better lives for the children of our district.

Sincerely,
Sgt. Gaetano Caltagirone
Tenderloin Police Station

Editor —

Thank you for sending me the POA newspaper with the special ar-

ticle on Officer Earl Gonsolin "PAL." I started with Earl in 1957 — he was a special person to me — and helped a lot of kids.

Thanks again
BC Bob Serrano
San Francisco Fire Department



Dear SFPOA —

Thank you for your \$250 donation to the 16th annual Citizens Against Homicide (CAH) charity golf classic held on August 14, 2009. We sincerely appreciate your involvement. All proceeds raised by this event directly finance CAH activities which provide an array of support for families of homicide victims, including for example arranging rewards for unsolved murder cases.

Thank you again for being a partner in our annual fundraiser and for your help in making our 2009 event such a great success.

Most Sincerely,
Carol Silveira
Corresponding Secretary
Citizens Against Homicide

Dear SFPOA —

On behalf of the Oakland Police Officers Association, Oakland Police Department and the families of the four slain officers, we would like to take this opportunity to thank you for your \$10,500.00 sent for the families of Sgt. Mark Dunakin, Sgt. Ervin Romans, Sgt. Daniel Sakai and Officer John Hege. It was very thoughtful of you and we greatly appreciate it. We do apologize for the tardiness of this acknowledgement, but we are just now gaining some organization again.

This tragedy is still unbelievable to us, but with people like you and your kindness, we are able to work our way through all of this and are now moving forward.

Again, please accept our gratitude.

Sincerely,
Dominique Aroztarena
Oakland Police Officers Association

Dear SFPOA —

I want to thank you for choosing me as a recipient of this generous scholarship. I really appreciate it, and it will help me greatly in my goal of receiving a better education. Without your help my dream would not be possible. Thank you very much.

Dustin Tsang

Dear Mr. Halloran —

I would like to thank the San Francisco Police Officers Association Scholarship Committee for awarding me a \$500 scholarship. I am attending Cal Poly in San Luis Obispo. Your generosity is appreciated.

Sincerely,
Sean Taylor

Dear SFPOA —

I am very honored to have received such a generous scholarship from the POA.

It is very beneficial to my college education at Loyola — New Orleans. I am very privileged to be part of the San Francisco Police Department family.

Sincerely,
Haley Zerga

Dear SFPOA —

My heartfelt gratitude and appreciation goes out to you for awarding me with the Jeff Barker Scholarship. This award will help immensely in lessening the financial burden that college tuition has placed on me and my family. As I begin my studies at UCLA, I am excited about the future opportunities available here. I plan to take advantage of all of them!

In this time of economic uncertainty, it is comforting to know that the SFPOA remains committed to providing scholarship opportunities to SFPD families. Thank you for your invaluable contribution to our future!

Sincerely,
Emily Block

Dear SFPOA —

Thanks to all of the members for your donation to the Hannah and Mitchell Fund. You are very kind folks! Your donation will be used for therapy and on-going support for Hannah and Mitchell. On behalf of our children, we offer our most sincere thanks.

Warmest regards,
Lee and Isabel Sturman

Dear POA —

This letter is in response to the generous donation to our Lonny Brewer Memorial Golf Tournament in the amount of \$150. Although no goods or services were provided in exchange for your contribution, it is contributions such as yours are vital to the success of this Foundation.

The San Diego County Deputy Sheriff's Foundation was developed to enhance the partnership between the law enforcement officers on the street and the people we serve. Often times through our work we come across people in situations that have needs not readily visible to other charitable organizations. We want to be able to help them beyond what can be done through our profession and your contribution helps make that possible.

Thank you for your support,
Steve Purvis
Tournament Chairman
San Diego County
Deputy Sheriff's Foundation

Book Reviews

A Bright And Guilty Place

Murder, Corruption, and L.A.'s Scandalous Coming of Age

By Richard Rayner
Reviewed by Dennis Bianchi

This book is an example of how a writer from Europe can sometimes see the USA more clearly than we do. Of course this is not just Anywhere, USA but Los Angeles and L.A. can pretty much be a mystery to many people. This well-written history of Los Angeles in the late 1920s and early 1930s is as exciting as a Raymond Chandler

novel, and for good reason; Rayner points out that Chandler used many real-life cases from that era to write his Phillip Marlowe series. There are several main characters involved in this true-crime story: "Debonair" Dave Clark, a Los Angeles Assistant District Attorney and World War I aviator hero; Leslie White, an enterprising photographer who found work in the Los Angeles' District Attorney's office as a forensic investigator

and, later a pulp fiction writer, and; Charlie Crawford, a man who made politicians successful while running L.A.'s organized crime mob. On March 20, 1931 Charlie Crawford, nicknamed "The Grey Wolf" because of his wavy grey hair and sly and clever abilities with both crime and politics, was shot to death. Many Angelinos were not surprised by Crawford's demise or the manner in which it arrived but what shocked everyone was who was charged with the murder: Assistant D.A. and war hero Dave Clark. And among the most shocked was his friend and co-worker, Leslie White. How could such a highly-respected lawyer, seemingly happily married and successful, be named a murder suspect? The book gives the reader the answer and in true L.A. noir style. The answer is dark and anything but clear. It is, however, exciting. Both Clark and White were engaged in criminal investigations and prosecutions of high-profile cases of the era including the murder of Ned Doheny at the Greystone Mansion in Beverly Hills. The era was filled with similar crimes such as the theft of water from the Owens River Valley, the Teapot Dome scandal and discovery that Hollywood lovelies such as Clara Bow were not the wonderful chaste characters they portrayed on the silver

screen. Being in the midst of all of this criminal activity effected both men, but in obviously different manners. White became so disgusted he left law enforcement completely and made his living writing forgettable but profitable novels. Clark, on the other hand, seems to have fallen prey to the temptations surrounding him in this bright, guilty place. By the way, that title for L.A. was first used by Orson Welles. The reader is presented with a class of celebrities and famous incidents from the era: Clara Bow, Charlie Chaplin, John Wayne, Erle Stanley Gardner (who was at one time a Ventura County attorney) and Raymond Chandler to mention but a few. The book includes several great photos including one that shows what appears to be a forest of oil derricks in 1926 Los Angeles, a far different geography than one would see today. I have one complaint and that is that Rayner covered so many topics he seems to occasionally lose his focus. That being said there is a quote from an old movie in which Rita Hayworth describes the focus: "Everything's bad, Michael. Everything. You can't escape it or fight it. You've got to get along with it, make terms." It seems that phrase summed up the era in that "Bright and Guilty Place."


Zeitoun

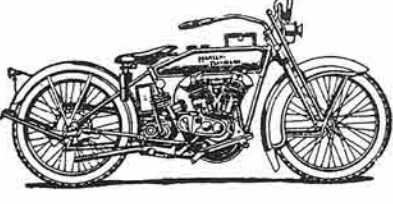
By Dave Eggers
Reviewed by Dennis Bianchi

Dave Eggers, a local writer, has had great success in the past but this may be his best work yet. Focusing on Abdulrhman Zeitoun, a Syrian immigrant who married a young woman from Louisiana, Kathy, Eggers describes New Orleans shortly before hurricane Katrina hits, during the storm and subsequent flooding and, most dramatically after the catastrophe. Although Zeitoun was born into a hard-working and well-known family, he wanted to explore the world. He spent years at different trades, including going to sea where he was able to fulfill his goal. He acquired many skills which aided him upon his arrival in the United States. He met his wife through Muslim circles. She had lost faith in her Christian religion following a divorce and had become a Muslim. Following their marriage they built up not just a successful business but acquired property of their own throughout New Orleans. This becomes important to the story as the hurricane approaches. While many people were leaving, Zeitoun opted to stay. Kathy and their children reluctantly set out for a relative's home, leaving Abdulrhman behind to look after their home and other properties. Eggers has the ability to evoke the building anxiety that seeps into the family. Zeitoun believed that he could ride out the storm as he had managed others in the past. Kathy tries to stay in touch with the use of cell phones. And then Katrina smashes everything apart; not just buildings, cars and streets, but also relationships and trust. Eggers put together the story by means of hundreds of interviews, reading aftermath reports and viewing photos of the debacle. In spite of the drama and horror of the event Eggers reports to the reader very calmly and clearly. This is non-fiction at an extremely high level. Some reviewers have called it an American master-

piece. That description seems a bit premature and perhaps overly generous but the book is a great read. Like many others I read the book almost non-stop, finishing it in two days. But it is not a happy book. I felt frustrated and a bit angry as Eggers took me step-by-step through Zeitoun's odyssey. Zeitoun realizes that the levees have broken and the water has risen higher than anything he had expected. He remembers a canoe he had in his garage and begins to use it to explore the neighborhood, hoping to help others. He finds plenty of people in need of assistance and, when he can, he reaches out with food, water and transportation. But the problem becomes clear that those who were entrusted with the project of rescue and aid have no idea how to accomplish their assignment and, in many cases, cause much more harm than good. Without ever directly castigating the official response, Eggers makes it clear that Katrina exposed the U.S government's response as inadequate and perhaps criminal. The only time officials come into contact with Zeitoun is to take him into custody, put him in a make-shift jail cell without access to a lawyer. He was not advised of his charges and labeled an Al Qaeda agent by some guards. His wife and family had no idea what had happened to him until a volunteer risked arrest and contacted them. The story is many things: man against nature, the American immigrant experience, frustration with government, family inter-actions. Eggers handles it all seamlessly, professionally. We should all hope that the hard ugly lessons of Katrina were learned by those we trust in times of disaster, but I'm not too sure.

By the way, Dave Eggers is very active in the San Francisco literary scene and conducts workshops for young people at the 826 Valencia project. He and Mr. Zeitoun believe in reaching out to those in need and both should be applauded.





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Bay Area Law Enforcement Assistance Fund

BALEAF Celebrates 10th Anniversary

By Robin Matthews
BALEAF Treasurer

On Friday, November 13, the Bay Area Law Enforcement Assistance Fund (BALEAF) will be celebrating its 10th anniversary at the POA Building from 6:00 p.m. to 10:00 p.m. This celebration is being sponsored, in part, by the POA and the San Francisco Police Credit Union. During the celebration, we will be honoring Reverend Michael Ryan, who as many of you know, was a chaplain with the San Francisco Police Department for many years before moving north and continuing his ministry in the Seattle area. You may not know, however, that Mike was one of the founding members of

BALEAF in 1999.

This celebration is FREE; however, we request that you please RSVP to either Sergeant Mary Dunnigan at the Behavioral Sciences Unit at 837-0875 or to me at the EEO Unit at 553-1093 NO LATER THAN Tuesday, November 10th so that we can order the appropriate amount of food for those attending the event.

In addition to feeding you, I'm excited to let you know that the Blue Blanket Improv will be performing at the event. For those of you who are not familiar with the Blue Blanket Improv, they are a dedicated group of improvisational actors and comedians who devote their time and skills to bringing free or low cost entertainment to

the residents of San Francisco and the Bay Area. The members of the group receive no money for their services, and perform for the love of their craft and the applause of their audiences! They are a wild and wacky theatre experience that is designed to keep you in stitches and teetering on the edge of your seat. Each performance is created on the spot, based entirely on audience suggestions. The imagination runs wild as the audience directs the explosion of action on stage from the safety of their seats!

(<http://www.blueblanketimprov.com/>) or 650-560-0108)

Blue Blanket Improv will be performing at approximately 8:00 p.m., but we encourage you to come early, enjoy the food and drink, honor Mike Ryan, and celebrate our 10th anniversary of assisting law enforcement officers and their families who have either been killed in the line of duty, have been seriously injured, or who have suffered a catastrophic event.

Hope to see you there!

Support BALEAF During Combined Charities Campaign

Please consider supporting BALEAF during this year's annual Combined Charities Fund Raising Drive. BALEAF provides support to law enforcement officers (and/or their families) who have been killed in the line of duty, have been seriously injured, or who have suffered a catastrophic event. You can find BALEAF under the listings for Local Independent Charities (LIC); their code number is L2027. LIC has the lowest administrative operating expenses of all of the charities at only 2.4%. That ensures that the most money possible is given directly to BALEAF. If you end up missing the sign-up for

the Combined Charities Fund Raising Drive, you can still make a tax deductible donation to BALEAF by sending your check to P.O. Box 31764, San Francisco, CA 94131. The Board of Directors of BALEAF pays for all of the administrative expenses that come up throughout the year, so 100% of every donation that is made to the organization goes directly to programs and services provided to law enforcement officer and their families throughout the Bay Area.

Please make a tax-deductible donation to BALEAF today. Thank you!

— Robin Matthews

Follow a Few Simple Precautions to Avoid H1N1

Forwarded to the Journal by Maggie Ortelle

Dr. Vinay Goyal is an MBBS, DRM, DNB (Intensivist and Thyroid specialist) having clinical experience of over 20 years. He has worked in institutions like Hinduja Hospital, Bombay Hospital, Saifee Hospital, Tata Memorial etc. Presently, he is heading our Nuclear Medicine Department and Thyroid clinic at Riddhivinayak Cardiac and Critical Centre, Malad (W).

The following message given by him, I feel makes a lot of sense and is important for all of you to know.

The only portals of entry are the nostrils and mouth/throat. In a global epidemic of this nature, it's almost impossible not coming into contact with H1N1 in spite of all precautions. Contact with H1N1 is not so much of a problem as is proliferation. While you are still healthy and not showing any symptoms of H1N1 infection, in order to prevent proliferation, aggravation of symptoms and development of secondary infections, some very simple steps, not fully highlighted in most official communications, can be practiced (instead of focusing on how to stock N95 or Tamiflu):

1. Frequent hand-washing (well highlighted in all official communications).
2. "Hands-off-the-face" approach. Resist all temptations to touch any part of face (unless you want to eat, bathe or slap).
3. *Gargle twice a day with warm salt water (use Listerine if you don't trust salt). *H1N1 takes 2-3 days after initial infection in the throat/ nasal cavity to proliferate and show characteristic symptoms. Simple gargling prevents proliferation. In a way, gargling with salt water has the same effect on a healthy individual that Tamiflu has on an infected one. Don't underestimate this simple, inexpensive and powerful preventative method.
4. Similar to 3 above, *clean your nostrils at least once every day with warm salt water. *Not everybody may be good at Jala Neti or Sutra Neti (very good Yoga asanas to clean nasal cavities), but *blowing the nose hard once a day and swabbing both nostrils with cotton buds dipped in warm salt water is very effective in bringing down viral population.*
5. *Boost your natural immunity with foods that are rich in Vitamin C (Amla and other citrus fruits). *If you have to supplement with Vitamin C tablets, make sure that it also has Zinc to boost absorption.
6. * Drink as much of warm liquids as you can. *Drinking warm liquids has the same effect as gargling, but in the reverse direction. They wash off proliferating viruses from the throat into the stomach where they cannot survive, proliferate or do any harm.

BALEAF Mail

To the Bay Area Law Enforcement Assistance Fund:

On behalf of the Oakland Police Officers' Association, Oakland Police Department and the families of the four slain officers, we would like to take this opportunity to thank you for the very generous donation of \$4,000.00 for our fallen officers' families. Your thoughtfulness, to the families of Sgt. Mark Dunakin, Sgt. Ervin Romans, Sgt. Daniel Sakai and Officer John Hege is very appreciated. We do apologize for the tardiness of this acknowledgement, but we are just now gaining some organization again.

This tragedy is still unbelievable to us, but with people like you and your kindness, we were able to work our way through the services and we are now trying to move forward.

Again, please accept our gratitude.

Sincerely,

Dominique Aroztarena, President
Oakland Police Officers Association

Barry Donelan, Vice President
Oakland Police Officers Association

Bryan Hubbard
Oakland Police Officers Association

Wendy Rae
Oakland Police Officers Association

Retirement Board Taps Industry Veteran Gary Amelio to Lead SFERS

SAN FRANCISCO (Oct. 2, 2009)—The Retirement Board of the San Francisco Employees' Retirement System today announced its selection of Gary A. Amelio to serve as SFERS' new Executive Director following a nationwide search to replace long-serving SFERS Executive Director, Clare M. Murphy, who has announced her retirement effective January 2010.

Amelio is an award-winning industry veteran with nearly three decades of expertise in the employee benefits, financial services, investment and public fund industries. As Executive Director of the Federal Retirement Thrift Investment Board from 2003 to 2007, Amelio led the world's largest defined contribution plan (the "Thrift Savings Plan" for federal civilian employees and the military), administering approximately \$200 billion in assets. At the Federal Retirement Thrift Investment Board, he was awarded Plan Sponsor of the Year for 2003 by Plan Sponsor Magazine for dramatically improving efficiencies and customer service with the deployment of a new recordkeeping system.

Amelio has also served as President for Retirement Services of ULLICO Inc., a union-owned, multi-line financial services organization, where he expanded the division's market presence in its management of some \$5 billion of defined benefit plan assets — primarily for Taft-Hartley plans — to address the full scope of retirement service needs for the labor movement and its members. He currently serves as an international consultant to SunGard Omni, a leading global technology provider whose financial systems administer more than \$25 trillion in investment assets. He additionally worked at PNC Bank for 14 years, where he rose to serve as Senior Vice President and Managing Director

for the Institutional Investment group, following a near decade of employment with Mellon Bank.

Earlier in his career as a licensed attorney, Amelio's legal practice has included work as counsel on a broad range of ERISA, fiduciary and Taft-Hartley-related matters, including corporate and local government qualified retirement plans; nonqualified deferred compensation plans; executive bonus plans; and welfare plans. Amelio holds an undergraduate degree in political science and a law degree, both from the University of Pittsburgh. Amelio is scheduled to join SFERS in November 2009.

"SFERS is extraordinarily grateful to have a leader of Amelio's caliber and experience take the reins of our retirement system," said SFERS Retirement Board President Richard H. Peterson, Jr. "Gary's dedication to technology and commitment to upholding SFERS' reputation as a well-managed public pension system is, we feel, best aligned with the Board's vision for the future of the System."

"I am deeply gratified and privileged to accept this position as SFERS' Executive Director, and I am genuinely excited by the opportunity to lead a retirement system for employees and retirees of such a remarkable and world class city as San Francisco," said Amelio.

AboutSFERS

The Retirement Board is vested under the California Constitution, the San Francisco City Charter and local ordinances with plenary authority and fiduciary responsibility for the investment of monies and the administration of the San Francisco Employees' Retirement System. More information is available at <http://www.sfers.org>.

Report on the IAWP Seattle Conference

By Judy Riggles
Taraval Station

I owe Heather Fong an apology. I had no faith that she would do the right thing.

In September I attended the International Association of Women Police (IAWP) conference in Seattle. The training is annual and held in different locations throughout the world. I have attended several past conferences and have received details in different amounts of hours. I waited until after Chief Fong retired to submit my request. I paid all of my expenses and was hoping to be reimbursed for training days. I was prepared to present roll-call training. I ensured that staffing at the station was not adversely impacted. I understood that Chief Gascón supports training and

education, and I hoped to receive more than the one day that was Chief Fong's recent custom.

The conference and Association has been well chronicled in the Journal.

The IAWP is globally recognized and is almost 100 years old. SFPD hosted the event in 2003 with the full support of Chiefs Lau and Fagan. Our members have received awards at past conferences where command staff attended to honor them.

My request for a detail was denied. I had little hope of receiving the full five days, but I did not expect that every day would be denied. I used my vacation time, took some great classes that I hope will benefit my career, met some new and was reacquainted with some old contacts, and got to visit a beautiful city. Yes, the five day conference included some socializing. All of


the delegates were treated exceptionally well by the Seattle Police and the King County Sheriff's Departments. There were other representatives from the SFPD, but no one displayed our uniform. The "ORO EN PAZ, FIERRO EN GUERRA" patches were popular, as always.

A delegate related an incident where past IAWP contacts proved invaluable. There was a hostage situation in a bank in Massachusetts. The suspect did not speak English and there were no translators on her force. She made one phone call to a neighboring jurisdiction, spoke to a woman she had met at a prior conference (but had no other contact with,) and a translator was "98" within minutes.

There were over 500 attendees from over 39 countries. The annual "silent auction" netted almost \$7000 which

was donated to the Children's Hospital in Seattle. Agencies supported their officers attending the conference in different ways, from details to sending them in patrol cars. One force sent their entire female complement. And, even some men are members of the IAWP and attend conferences.

There is always valuable training which I have paid for and taken advantage of. Often the hard part is deciding which of the simultaneous classes to take. I don't know if I will be able to attend next year. I don't expect to be compensated with time or money. But, as I am in the "twilight of my career," maybe it would all be a waste, anyway. So, thank you Chief Fong and all of the past chiefs for your support and faith.



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International Association of Women Police

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Are you willing to allow your email to be provided to other law enforcement entities: Yes ____ No ____

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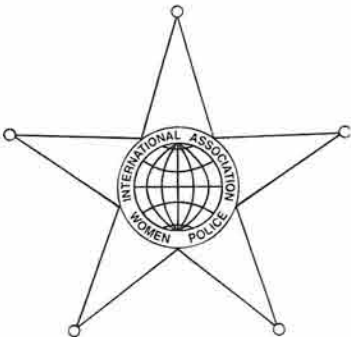
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Detroit's Car Camera System So Ineffective It Should Be "Torn Out At The Roots"

From The Detroit News, October 13

DETROIT, MI – The Police Department has spent more than \$18.5 million since 2001 on an in-car camera system so ineffective that the top brass this spring told the Justice Department they should "tear it out at the roots in order to start from scratch," according to internal documents.

The total cost could be higher. But police can't find all invoices for the mishmash of cameras and computers that are plagued with image and audio problems. They work less than 17 percent of the time, according to confidential reports and internal records obtained by The Detroit News.

Police Chief Warren Evans plans to announce improvements today to the system that a federal report in June claimed is so bad "its most common use today is a platform to play solitaire." Two years ago, the city tried to solve the problem by buying equipment that was already obsolete. In May, police brass suggested fixing the cameras by using Velcro, briefcases and cigarette lighters to jury-rig incompatible hardware to squad cars, according to reports.

"With such low expectations that the system will work, few officers appear to use the technology in their daily patrol activities," according to a June 1 report commissioned by the U.S. Justice Department. "The current technology cannot be salvaged."

The reports highlight the city's struggles to make basic changes required by a 2003 federal consent decree to settle lawsuits about police brutality and jail conditions. The city has spent \$13 million on monitoring costs alone and met 39 percent of goals imposed by the Justice Department.

The federal agency required cameras be immediately implemented in all patrol cars to record vehicle stops, consents for searches and use of police dogs. At least 72 percent of the nation's police agencies have video cameras, according to an International Association of Chiefs of Police report in 2003, the most recent report available.

Detroit's system is "pointless" and "non-responsive," leaving the city vulnerable to false accusations about cops and frivolous lawsuits that cost millions of dollars each year, according to the Justice Department report from June obtained by The News through the Freedom of Information Act.

The city spent \$15 million trying to solve the problems in May 2008, after investing nearly \$1 million in 2001 and another \$2.5 million in 2004. As recently as August, Evans called the cameras "junk" that "don't work."

"It has been a mess," Evans told the

Board of Police Commissioners.

Saul Green, a mayoral aide who oversees public safety, said he's confident Evans can salvage much of the equipment. Evans released a statement Monday night saying he'll announce a "major breakthrough" today for the "long-troubled system," but his spokesman wouldn't elaborate on the plans.

"As bad as the history has been, right now I feel where we are today and based on where we were in June, this is a good news story," Green said. "I am very, very pleased on what we have done in 120 days."

The Justice Department wrote a step-by-step memo to Detroit officials in June, instructing them on how to solicit contractors that could fix the cameras. The city has yet to act, but Green said proposals will be distributed "very soon."

Dates, lighting are issues

Video cameras not only protect the public from rogue cops. They protect police — and cities — from false claims of brutality and may even put crooks in jail faster.

The International Association of Chiefs of Police estimates 93 percent of complaints against officers are dismissed after reviewing video evidence. And 94 percent of defendants plead guilty before trial in cases that involve video, according to the group.

But the tool isn't available in Detroit, which has lost \$116 million in settlements and court judgments against the Police Department from 2002 to 2007, the most recent years of data.

"The problem in Detroit is that video evidence is rarely available," said David Robinson, a former Detroit police officer and attorney who has filed several misconduct lawsuits against the department.

"We ask for the video all the time and we never get it."

Police Officer John Bennett, a candidate for the City Council, calls cameras an insurance policy. "It protects the officer against accusations that may not be true," he said. "That's huge, especially in this day and time when you have people willing to sue the police for any and everything."

But only 37 of 212 squad cars were able to download usable video in an April 24 test by Lt. Dale A. Greenleaf of the city's Office of Civil Rights, according to an internal report. Just one of 21 traffic enforcement cars had working cameras, while none did among the nine cars at the city's Northeast District, according to the reports.

As bad as the findings were, the Department of Justice thought Greenleaf's study was too optimistic. In a

June 1 review, it deemed some of the video from supposedly working cameras too dark or improperly dated.

Vendor installation skipped

The city's problems with the cameras precede federal oversight of the police.

In 2001, two years before the decree, Detroit paid Mobile Vision of New Jersey \$854,080 for roughly 220 cameras. The city hoped to save money on the units that cost about \$3,800 apiece by having city workers install them. At the time, the company was charging \$100 an hour for installation.

Usually, municipalities pay extra for the installation to avoid problems, said John Powers, a spokesman for the company that has provided more than 65,000 systems in 5,000 departments nationwide.

"Once we delivered the equipment to the city, it was out of our hands," he said.

The city tried to overhaul the system in May 2008, awarding a \$15 million, no-bid contract to install prototypes to 200 cars. The contract, which went to Bob Maxey Ford and Great Lakes Service Center, was criticized by the Justice Department for "multiple failures," including faulty wiring and bad video. Calls to both companies weren't returned.

One year after the contract, a consultant for the Justice Department spot-checked eight squad cars. None

could upload or record video.

Other problems documented in the reports: Many cameras can download incident footage only through wireless Internet networks, which takes three hours; the city has resisted calls to buy computer systems from one vendor, preferring instead to issue contracts and build the systems piecemeal; when the system does make recordings, the images are time-stamped incorrectly or there is no audio; and one of the prototypes the city is testing was deemed "expensive" and only applicable to military vehicles.

'This would help both sides'

Detroit's problem with cameras is illustrated in a lawsuit involving the June 2, 2008, death of Tommie Staples.

He was shot by two officers, who claim he had a gun. His family, which is suing for \$525,000, claims the weapon was planted after Officers Darron Townsend and Steven Kopp used their squad car to run him down in an alley and shoot him.

A video could help resolve the accounts, but even though the squad car was supposed to be equipped with cameras, the city maintains it can't find a video of the incident, according to court records.

"This would help both sides," said Robinson, who represents Staples' family. "If you want justice, you have video cameras that work."

Manteca Police Refuse 14% Pay Cut, Layoffs Result

From The Stockton Record, October 13

MANTECA, CA — After tense labor negotiations between city administrators and police union representatives failed to produce an agreement, Manteca released 12 officers over the weekend in an effort to balance the municipal budget.

"Certainly, they see that we weren't kidding at this point," said City Manager Steve Pinkerton, who said the personnel cuts help address a \$14 million budget deficit that has been created by plummeting sales and property taxes.

The city and the Manteca Police Officers Association failed to compromise on a deal in which the city asked its 72 officers to take a 14 percent pay cut in the middle of their five-year contract to avoid layoffs.

Pinkerton said the union refused to take the deal even as other city employees are doing so.

A police union representative said officers made compromises in January by foregoing pay raises and submitting to 3.8 percent furloughs and furlough equivalents.

"We have made concessions," said Dave Bowen, president of the association. "That's one of the reasons we felt

it necessary to take a stand."

Bowen said the city agreed at the time not to ask for further concessions for 18 months, and he claimed the city is threatening to eliminate two more positions if the union holds the city to that agreement.

Pinkerton, on the other hand, said, "Never, ever, ever did we say we wouldn't come back for additional concessions. They keep telling that story to the public that we went back on our word. We made it clear that we would have to come back."

Of that deal, Pinkerton said officers received credit for their pay loss on their vacation, which they were able to cash out.

"We essentially borrowed money from the Police Department that we paid back," he said.

When the parties didn't reach an agreement Saturday, 16 officers were laid off, but four of them were immediately rehired with federal stimulus money.

Pinkerton said his door remains open to negotiations with the police union, but he said pay cuts will stay on the table. "This is just what the harsh realities are," he said.

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Combined Charities Campaign

As you decide which charities you'd like to support in this year's Combined Charities drive, please consider the San Francisco Police Activities League (L2214). The SFPAL provides quality programming for more than 5,000 San Francisco kids each year. Our goal, which hasn't changed much since 1959, is to keep kids off the streets and on the ball fields. Please help us to achieve this goal by supporting your SFPAL!

— Rick Bruce, President, SFPAL



By Paul FX Lowery
Catcher for the Flying Goose Midgets
1961-1962

Why Mrs. Williams Matters 50 Years Later

October 20, 2009

Tonight we are here to celebrate the induction of Mrs. Thelma Williams into the San Francisco PAL Hall of Fame. Her posthumous induction completes a sensational cycle from a beloved and revered PAL baseball coach to a richly deserved permanent presence in the Hall of Fame.

Allow me to explain why Mrs. Williams is so richly deserving of this honor.

Allow me as a once young boy coached by Mrs. Williams nearly 50 years ago to explain my unapologetic reasoning. Allow me also to include each of you on a once youthful journey of unforgettable experiences and an unforgettable coach.

For us to return to those halcyon days we must also return to the early 60s. Looking west to the ocean we had to overlook our friendly rivals from Sun Valley Dairy at 10th and Irving. Recall the sand dunes now occupied by St. Ignatius High School which facilitated shortcuts to West Sunset Park. Recall Playland-at-the-Beach and the Fun House. Naturally we can never forget the laughing lady who greeted us as we entered and ran to the spinning wheel certain the centrifugal force would not slide us off to the hard floor. Recall the abandoned Sutro Baths with those irresistible stately Victorian buildings though dangerous had to be explored. Who can forget those ghastly fake rocks on the opposite side of Sutro Baths?

Let us return to the windy baseball field in deep right center at Big Rec. Recall the modest iron backstop. Let us return to the canyons of Glen Park hidden deep in a grove of protective and watchful soaring eucalyptus trees. Most importantly let us return to our beloved coach who happened to be a woman and unlike any coach in the Bay Area and perhaps in the United States. Yes I firmly believe what Amelia Earhart was to aviation Mrs. Williams was to youth baseball. Both women were unique and both were redoubtable pioneers.

Recall your uniforms from Flying Goose Sporting Goods. Those bold red accented uniforms which made each of us feel like a real big leaguer. Recall our spikes which seemingly never fit. Mom and Dad would not purchase your correct spike size as "they cost money and you are going to grow out of them quickly." Resourcefully Mom and Dad stuffed the front part of the spikes with torn remnants from the Chronicle to ensure a snug fit. Bad as the oversized spikes were, now recall running down to first base as a ten year old with that agonizing but obligatory protective cup.

Here is why Mrs. Williams matters 50 years later. She represented a period when it was fun to be a kid and when baseball was king and she was the reigning Queen. Mrs. Williams enables us to preserve our eternal youth which resides indelibly within us whether we are 59 or 79.

Mrs. Williams for some present this evening represented a joyful period. For some she also represents a significant slice of their pre-teen years. If you were nine years old and played for Mrs. Williams until age twelve then 30% of

your then youth was influenced by her coaching and maternal guidance. Yes, Mrs. Williams matters 50 years later.

The joyful period of Mrs. Williams was shattered by the assassination of President John Kennedy. No one could then foretell the ramifications of his assassination. Now we began to read and hear ominous news increasingly of a far off place called Viet Nam. Suddenly there was social turbulence in our major cities. We read of the Manson murders with stunned disbelief notwithstanding our youthfulness.

In retrospect we did not know we were rendezvousing with the eve of a social and political diving line which reverberates to this day. The dividing line for me is represented by Mrs. Williams on one side and the turbulence of the 60s on the other side.

Compare the thundering sound of a wooden bat squarely smashing a baseball. Now compare the feckless bang of an aluminum bat hitting that same baseball.

Recall a Flying Goose team schedule written in legible cursive which could not be copied as Xerox was unknown and computers were still a quarter century away. Mom and Dad had to copy the game dates with a blue inked Parker Pen into a little calendar book which also served as a portable phone book. Yes our dimes for the phone booths and candy were minted with genuine silver.

Recall the expressive phone exchange names on the side of Mrs. Williams prefaced with the eloquent Bayview, Evergreen, Klondike, Lombard or Skyline, with today's generic 415 numeric area code.

Recall the Borden's Milk Man delivering fresh bottled milk to your front door with the contemporary cardboard or plastic vessels. Recall Kezar Stadium. Recall the Christopher Milk Section reserved for kid's at the 49er games free of charge. Recall the cool raffles held during half time. Perhaps you recall the ultimate prize: one of those red Schwinn Bantam bikes. Such is unthinkable on the other side of Mrs. Williams divide.

Finally recall a hand written picturesque post card arriving through the mail from Disneyland with a computer generated email. Yes, Mrs. Williams matters 50 years later.

Let us look at the dividing line from a Flying Goose team perspective. On the one side of the divide you had the fresh air of Big Rec and on the other side you have that monstrosity known as Sutro Tower sharing the same air. On the divide side with Mrs. Williams you had baseball and on the other side you have the onset of 24 hour television with those ludicrous rabbit ears and those youth suppressing video games. Yes, Mrs. Williams matters 50 years later.

On the one side you had the green sport pages from the Chronicle in the morning and the expansive News Call Bulletin sports section in the afternoon. On the other side of the divide you have a computer screen lacking the feel and smell of a newspaper. Perhaps some of you remember how faithfully Mrs. Williams wrote of city baseball in general and Flying Goose in particular each Wednesday in her Sandlot Corner published by the San Francisco Progress. Yes, Mrs. Williams matters 50 years later.

We can all agree life will change as we can all agree to disagree on the implications of the social and political diving line which occurred during our lives. For me however, the verdict is

unquestionable. For me Mrs. Williams remains a towering presence who will not let my youth recede into some undeserved obscurity.

I can still hear your youthful voices yelling out encouragement. I can still see Mrs. Williams bedecked in her red windbreaker standing near the on deck circle. I can still see her clutching that maroon scorebook. I can still see her yellow number two pencil energetically entering a hit and an earned run for one of her beloved Flying Goose players. I can still hear her vibrant voice reminding me and the other players to "watch the ball and let it hit the bat."

The presence of Mrs. Williams in the San Francisco PAL Hall of Fame speaks volumes to her distinguished accomplishments. Moreover it is an assurance and reminder we had a joyful time. A time when Flying Goose played Max Sobel on the gentle grass in Glen Park in front of enthusiastic parents. It matters not who won. Rather it matters we played for Mrs. Williams. Therein is the essence of Mrs. Williams, she authenticated our youth. And yes for a few minutes tonight she has revived our youth.

I am supremely confident if Mrs.

Williams were present tonight and were to hear our words she would modestly thank us for this special night. Then impishly she would have said "Paul I would have preferred you hit a single against Canon Kip all those years ago and knocked in two runs to give a win." Yes, Mrs. Williams matters 50 years later.

Now Mrs. Williams belongs to all of the ages. She will be recognized as a singular coach who brought boundless joy into her countless players' lives under the aegis of the San Francisco PAL.

Thank you Mrs. Williams for shepherding us to the small baseball fields throughout San Francisco. Yes, the same fields where our big dreams emerged and were subsequently attained.

With our bats held aloft creating a triumphant series of classical victory arches it is now our immense honor to observe and escort you through and into the hallowed portals of the San Francisco PAL Hall of Fame.

Congratulations Mrs. Williams on your induction into the San Francisco PAL Hall of Fame.

Yes, Mrs. Williams you do matter 50 years later as you shall matter 50 years hence.

It's been a long night, so I just want to take a moment to talk about why we're here tonight. It all started in 1914 in New York City. Police Commissioner Arthur Woods was a well known advocate for New York City's poor, and he instructed his officers to seek out needy families and to bring them to local charities for assistance.

Commissioner Woods was particularly concerned with the children living in New York's tenements, because these children had no safe place to play. He organized a city-wide search for vacant lots that could be used as playgrounds. In addition, he set aside 29 city blocks as playground blocks where traffic was prohibited every afternoon. Each of these blocks was guarded by one or more police officers, to ensure the safety of these kids, the poorest of New York City's poor.

This effort eventually became known as the New York Police Athletic League, and over the next few decades, PAL's sprang up across the country. In 1954 In Louisville, Kentucky, a 12 year old boy approached Louisville Officer Joe Martin to tell him that his bicycle had just been stolen by a group of bullies. The young boy wanted to "whup" the bullies, and Officer Martin told the boy that if he would come to his gym every day after school, he would teach him how to box. Over the next six years, the boy won six Kentucky state championships and one national title. In 1960, the now 18 year old young man travelled to Rome to participate in the Olympic games. Officer Joe Martin was in his corner for every fight.

Cassius Clay, as he was then known, would return to America with a gold medal. He would remain friends with Officer Joe Martin until Officer Martin passed away in 1996. And today, if you visit the website for the Louisville PAL, you'll find a picture of Muhamed Ali, who remains on the board of directors of the Louisville PAL.

One year prior to the Rome Olympics, a group of San Francisco police officers, including men like Gus Bruneman, Ray White, Pete Gardner, and Jim Myer, knew that if they could keep city kids off the streets and on the fields, they would be much less likely to get into trouble with the law. Thus began the San Francisco Police Athletic League, and fifty years later, it is one of the largest and longest-running youth service organizations in San Francisco.

A couple of Sundays ago, our PAL football program celebrated its fiftieth anniversary also. I was at Kezar Stadium on that Sunday, and I spoke with several of the player's mothers who were seated in the stands that day. The stories that these mothers tell you are as varied as the families and circumstances that they come from. But there is a common thread. Every person I spoke with told me that this program gave their sons and daughters something positive to do on fall afternoons in the Fillmore.

Many of our families have participated in this football program for decades, and some will tell you that the program kept their child out of trouble, or away from drugs, or even, that this program, a simple football program, saved their child's life. Laverne Hill is here with us tonight. Laverne's son Jason wears number 89 for the San Francisco 49ers, and Jason is here with us tonight also. I asked Laverne what our program did for Jason, and this is what she said. "When Jason joined the Seahawks, it was like Coach Greg and all the other coaches put him under their wings and they never let him go."

That's why there's a PAL, and that's why we're here tonight. To recognize all those volunteers, police and civilian, who for the past fifty years have kept thousands of San Francisco children under their wings.

I want to thank you all for attending tonight, and I would like to offer one last round of applause for all of the heroes that we honor tonight.

Thank you and good night.

— Rick Bruce, President PAL

Sports



Annual Isaac Espinoza Memorial Softball Tournament



PLAY BALL!!!

Get your team ready it's time to play ball. Come out to play or just to watch the games. Bring the family and enjoy the weekend. Fun for all ages, food will be sold for a minimal amount. All proceeds to benefit the Isaac Espinoza Scholarsip Fund.

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Team Roster limited to 12 players. Registration is \$350.00 per team. \$30.00 for Individual players. Co-Ed teams welcome. Tournament limited to 30 teams based on a first come basis. Wooden Bat Double Elimination Tournament.

Team Managers please call to commit your team and reserve a spot by Wednesday Nov. 11th. Team entry fee and roster is due prior to the team's first game. Please make checks payable to:
Isaac Espinoza Memorial Softball Tournament

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San Francisco, CA 94103	San Francisco, CA 94133
(415) 553-1373 work	(415) 315-2400 work
(415) 609-0232 cell	(415) 531-4840 cell

NICK'S NOTES

by Nick Shihadeh,
Journal Sports Editor

Espinoza Softball Tournament

CHECK IT OUT: The 6th Annual Isaac Espinoza Memorial Softball Tourney is scheduled to take place the weekend of Nov. 21st and 22nd at Bayside Park in Burlingame (1125 Airport Blvd).

This is once again being put on by Kevin Worrell (Central Station) and Marc Marquez (Southern Station) to help raise money toward a scholarship fund for Isaac's daughter Isabella, who is now nine years old.

A flyer with the details of the tournament appears on this page, so get your team ready for a fun softball event that is definitely for a worthy cause.

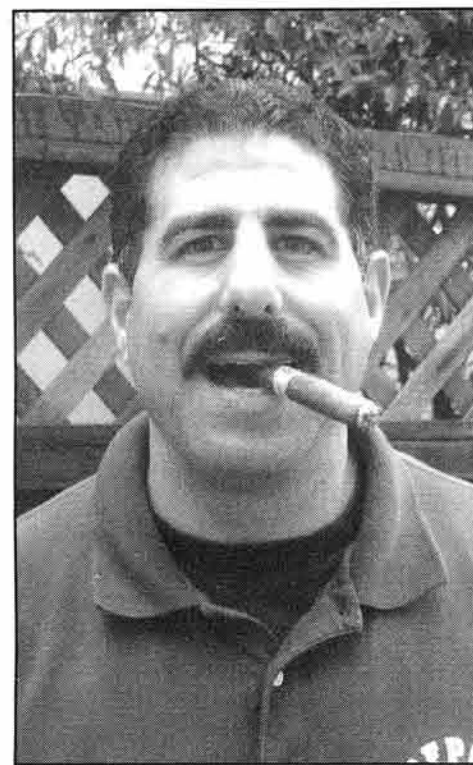
Department Basketball

Steve "Yeah, Yeah, Yeah" Coleman (Bayview Station) is now being groomed to be the new basketball commissioner by former commish Al Honnibal. This is a good thing as Honnibal was having trouble finding someone to take his place running a league that can be difficult at times.

Games are tentatively scheduled to start taking place on Tues. Nov. 17th at St. Mary's Gym (Kezar wasn't available), so managers should start getting things organized with their teams. Coleman has hired his brother Kevin Coleman (Northern Station) as well as Erick Solares (Bayview Station) to be his advisors so contact any of them for more information.

Al Miranda Ahead In Police Golf Club Championship

Alberto Miranda (Hondas) played very well in SF Police Club's last tournament that took place at Blue Rock Springs Golf Course in Vallejo, Ca. back in mid October and is now the point leader for the club championship. It was the seventh tourney out of eight total; the eighth and final



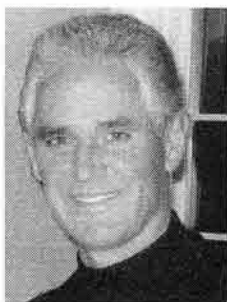
tourney of the year will be at the Deer Ridge Golf Course in Brentwood, Ca. on Nov. 3rd and will already have taken place once this *Journal* gets distributed.

Miranda entered the latest tournament 7 points (not strokes) behind the leader Pete "I'm Really a Hoopster" Kozel (retired), with John "The Other Guy" Mino (retired) not far behind. Miranda not only won the tournament, but took the points lead as well. He now has 38 points to Kozel's 37 with Mino at 28 points tied with Jerry Senkir (retired) for third place.

For those of you not familiar with the SF Police Golf Club, it is a club that is for "cops only"; and, the guys who run the club (retirees Jerry Cassidy and Larry Minasian) do a great job at keeping costs down while always looking for good deals (which is the way of cops in general). They also do a great job of keeping in touch with other retirees that participate in the tournaments during the year. Congrats to Miranda on being the points leader at this time, but at the same time I wish good luck to Kozel, Mino, and Senkir at catching him.

That's all for now....So See Ya next month...

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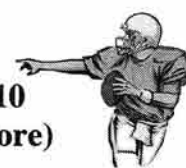
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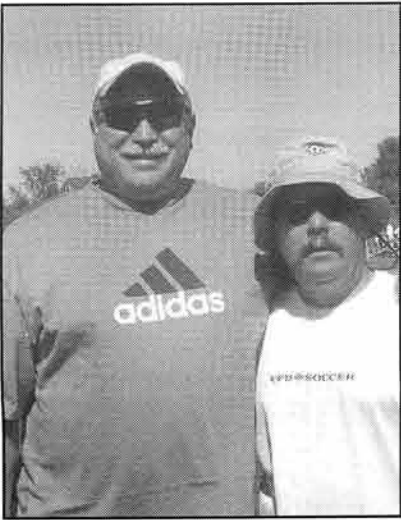
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San Francisco PD & Vancouver PD Soccer Clubs Unite to Compete In the 2009 NAPST (North American Police Soccer Tournament) In Ottawa, Canada

By Johnny Anton TTF/Solo

They coined the name "SANCOUVER FC" – two cities, two countries, two police departments(together); too much fun!! The Vancouver Police Soccer Club of British Columbia and the San Francisco Police Soccer Club have been very good friends and opponents for over twenty years now. So last year in Seattle, Johnny Anton (TTF/Solo) and Vancouver's Bob "Bobinho" Stewart (Inspector VPD) looked at each other and said, "Why don't we unite and play together as one team in the Master's division?"

It was a "no brainer" and there it was, the beginning of what was to be "SANCOUVER FC" est 2009. What started out with a combination of both departments and a 16-man roster became a 10-player team when the tournament started. The team is 11 per side with substitutes (a "lot" of them, you hope); yet, seven players minimum are required to play (a nightmare) and 10 players only was just a bad dream. We turned this possible bad dream into an amazing display of heart, goal-scoring; and, to my surprise, a never-quit attitude. Not one of the boys stopped playing, no one gave up, and they pushed themselves to the end. They played every minute of every match with NO SUBS!!



Bob Stewart, VPD, Brian Canedo.

but never gave up and never quit on us (John & Mike). Thank you boys! It was great! As for the amazing display by San Francisco's Pete Richardson (Mission Station), Ramon "Way" Ranoso (Bayview Station) and Robert Vernengo (Mission Station). All I can say is: "WOW"-- what stamina and heart! A special tribute goes to someone who, without hesitation, "stepped up to the plate" for the team and played goalie with no questions asked: Steve Glickman (Traffic/Solo). He was the MVP in my book.

We didn't win the Gold, we didn't even make the playoffs; but, more importantly, we never got blown out by anyone! All the games we played were close, with some closer than others. We went out having earned a healthy respect from everyone with our boots still on. To my enjoyment, Bob Stewart and Eddy Eviston played up front like I say them play fifteen years ago. These two scored in almost every match, and most of their goals were spectacular-- they dug deep and somewhere, somehow, those two found it. This is why we play the "beautiful game." Thanks to all the boys for their commitment on the pitch and the friendship off. Next year in 2010 (NAPST will be hosted by Vancouver PD), we'll be back in force – 20 strong. All I know is there's gonna be a show and the Sancouver SC will be there, along with Bobinho, Edinho, Moosinho, Petinho, Robertinho, Ramoncinho, Stevinho, Johninho, Mikinho, Da Da, and a few others (to be named later) ... new and improved!

Trivia: an unnamed VPD soccer veteran told me at dinner something I didn't know about an unnamed SFPD player – he (the SF player) was a Champion Irish Dancer! Imagine that! Thanks, Ed! (oops, sorry!)

And a special thanks to Murray Moxley of Vancouver PD.

PS: I played too! It was a great time!

The opponents we faced all had fully-loaded rosters from Peel, York Ottawa, Calgary, and Halton; all Canadian teams except for Sancouver SC. The lads from San Francisco and Vancouver put up one hell of a fight. Our deepest respect goes to Vancouver's Bob "Stewy" Stewart, Eddy "The Eagle" Eviston, John Donaldson, and Mike Anfield. These lads not only scored goals (Ed & Bob),



SanCouver F. C. Front row, L-R: Bob Stewart, Brian Canedo, Ramon Ranoso, Robert Vernengo. Top, L-R: Murray Moxley, VPD, Johnny Anton, Peter Richardson, John Donaldson, Steve Glickman, Ed Eviston, Mike Anfield.



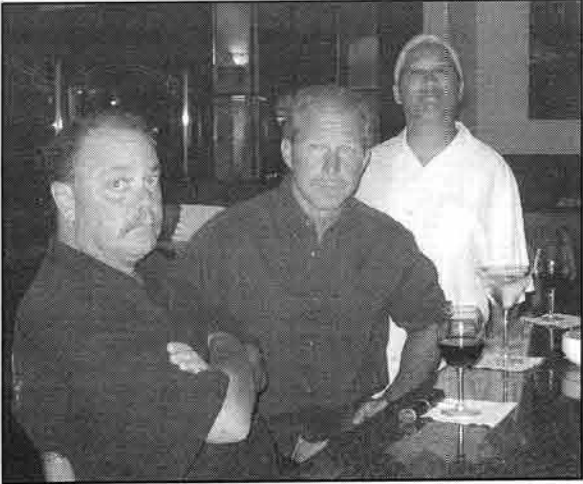
Dinbner with the Lads.



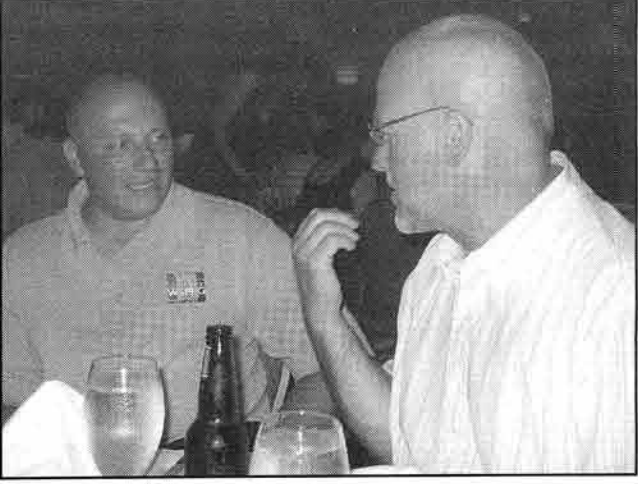
SanCouver F.C. at the team banquet.



Team Banquet ,L-R: Steve Glickman (Co. K), Ramon Ranoao (Co. K), Pete Richardson (Co. D)



Brian (Moose) Canedo, Steve Glickman, Johnny Anton.



Robert Vernengo (Co. D), Mike Anfield, VPD.

2009 SFPOA Ironman Results

Men's Open	Bench Press	Pull-ups	Sit-ups	50 ydShoot	Run(4.7 mile)	Total Score
1 J. Burke	65X100(650)	44(880)	200(1000)	680	33:34(616)	3826
2.M.Anderson	57X100(570)	39(780)	159(795)	760	33:47(596)	3201
3.M. Tursi	31X100(310)	18(360)	110(550)	340	35:58(492)	2112
Men's over 50	Bench Press	Pull-Ups	Sit-ups	50 ydShoot	Run(4.7 mile)	Total Score
1. H.Hoffman	57X100(570)	23(460)	128(640)	560	35:28(491)	2721
2. D.Leydon	52X100(520)	28(560)	102(510)	210	39:23(257)	2057
3. J.Ehrlich	30X100(300)	5(100)	90(450)	360	40:29(19)	1229
4. J.Pon	27X100(270)	25(500)	77(385)	0	0	1155
Woman Open	Bench Press	Bar-Hang	Sit-ups	50 ydShoot	Run(4.7 mile)	Total Score
1. M. Chacon	31x60(310)	1:45(315)	106(530)	270	47:11(0)	1425
Team Open	Bench Press	Pull-Ups	Sit-Ups	50 ydShoot	Run(4.7 mile)	Total Score
1. Bayview	K. Rightmire	K. Dempsey	R. Doherty	J. Kirchner	R.Wise	
	25x225(1000)	42(820)	184(840)	715	31:49(31:49)	4186
2. TAC	D. Keeve	M.Anderson	A.Meheen	G.Newbeck	M.McKinney	
	25x225(1000)	39(780)	176(880)	835	32:10(690)	4185
3. GTF	E. Yu	D. Silver	J. Kumli	I.Chinn	S. Griffin	
	85x100(850)	44(880)	144(720)	645	28:34(906)	4001
4.Mission	J.Cathey	J.Obidi	P. Richardson	J. Emmanuel	A. Esparza	
	90x100(900)	41(820)	157(785)	810	36:40(420)	3735
5. TTF	E. Guin	D. Ha	C.Johnson	M.O'Leary	D. Cole	
	27x225(1000)	49(1000)	134(670)	530	35:00(520)	3720
6.Taraval	A.Calasan	R.Calaunan	N.Manalang	P.Weggeman	R.Choy	
	18x225(720)	42(840)	152(760)	730	35:44(476)	3526
7.Southern	S.Christ	E.Vintero	J.Campell	A.Street	C.Gutierrez	
	17x225(680)	40(800)	135(675)	660	33:13(627)	3442
8. Specialist	M.Nieve	H.Chu	J.Burke	P.Papale	J.Hinds	
	64x100(640)	37(7400)	200(1000)	295	33:34(616)	3291
9. Footbeat	J.Acosta	D.Thompson	L.Baca	G.Festa	M.Cabuntala	
	78x100(780)	28(560)	118(590)	505	36:40(420)	2855
10. Ingleside	M.Gonzalez	S.Hampton	S.Uang	R.Suguitan	B.Todaro	
	9x225(360)	29(580)	125(625)	625	33:34(606)	2796
11.Co.H	A.Johnson	N.Yuen	S.Williams	M.leong	F.Perriera	
	48x100(480)	27(540)	66(3450)	345	36:25(435)	2130
Team over 40	Bench Press	Pull-ups	Sit-Ups	50 ydShoot	Run(4.7 mile)	Total Score
GW	J. Newman	M. Hanley	V.Repetto	P. Cadigan	M.Siebert	
	17x225(680)	28(560)	131(655)	620	41:50(110)	2625
Team Women	Bench Press	Bar-Hang	Sit-Ups	50 ydShoot	Run(4.7 mile)	Total Score
Co.H	V.Altamirano	A.Dagget	C.Castillo	C.Lewis	A.Sanchez	
	73x60(730)	1:45(315)	102(510)	305	42:25(355)	2015
Dbl Men's> 40	Bench Press	Pull-ups	Sit-Ups	50 ydShoot	Run(4.7 mile)	Total Score
1.TAC	D. Keeve	M.Anderson	M.Anderson	D. Keeve	M.Anderson	
	25x225(1000)	39(780)	159(795)	775	33:47(596)	3946
Dbl Men's> 50	Bench Press	Pull-ups	Sit-Ups	50 ydShoot	Run(4.7 mile)	Total Score
1. Old guys	G.Suhr	G.Suhr	G.Suhr	R.Bruce	R.Bruce	
	17x225(6800)	38(760)	92(460)	525	36:24(436)	2861

Word Search

Created by Officer Michelangelo Apodaca, Chief's Office

Enjoy this relaxing and fun-to-solve puzzle! If you've never solved a puzzle like these before, it's a good idea to read this before you begin.

Each puzzle has a grid of letters that conceals words reading in different directions — forward, backward, up, down, or diagonally — but always in a straight line. The words, abbreviations, or phrases one must find and circle are listed below the grid in capital letters. That's all you need to know before you sharpen your pencil and begin your search!

ABSURD	HABILE	OARFISH
BEAD	IBEX	PAIL
CARVE	JABIRU	QUADRANT
DALTON	KAIN	RABBLE
EARL	LACE	SAFETY
FABRIC	MACAQUE	TABLOID
GABLE	NAPKIN	

A	B	S	U	R	D	U	R	I	B	A	J	C	M
M	B	E	A	D	N	I	A	K	I	W	N	A	A
O	A	C	A	R	V	E	E	C	A	L	U	R	T
A	N	C	D	A	L	T	O	N	H	T	S	A	N
R	S	I	A	E	A	R	L	L	I	A	P	B	A
F	A	F	K	Q	F	A	B	R	I	C	O	B	R
I	F	I	R	P	U	G	A	B	L	E	N	L	D
S	E	N	D	M	A	E	H	A	B	I	L	E	A
H	T	D	Z	E	A	N	X	I	B	E	X	A	U
W	Y	O	T	A	B	L	O	I	D	R	H	T	Q

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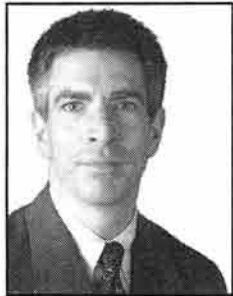
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Counselor's Corner

Ninth Circuit Makes a Hash of First Amendment Law for Public Employees

By John Tennant
SFPOA Counsel

Several years ago, one of the nation's foremost authorities on constitutional law, Laurence Tribe, suspended work on the third edition of his *American Constitutional Law*, the leading treatise on the subject, because



the state of the law had reached a point of such disarray and conflict that Tribe found it impossible, in his words, to "propound ...an organizing principle for the next phase in the law of our Constitution." Nowhere is that lack of coherence more apparent than in the confusion that now attends the law governing public employees' free speech rights — or perhaps more accurately, whatever free speech rights remain after a series of adverse court rulings.

When last we left this subject, it was the summer of 2006, and the United States Supreme Court had just handed down a decision that narrowed considerably the First Amendment protections for public-sector workers. In *Garcetti v. Ceballos* (126 S.Ct. 1951), the Court ruled in a 5-4 decision that when public employees make statements as part of their official duties, they are not speaking as citizens under the First Amendment but rather simply as employees. Thus, the Court reasoned, the Constitution does not protect such communication from employer discipline.

The facts of the case involved the Los Angeles County District Attorney's Office. Richard Ceballos, a calendar deputy, raised concerns with his superiors about possible inaccuracies in an affidavit used to obtain a search warrant critical to a criminal prosecution. Despite Ceballos' concerns, the D.A. decided to proceed with the prosecution. Ceballos claimed that because of his statements, he was then subjected to a series of retaliatory employment actions including reassignment to a less-desirable position and denial of a promotion. The Supreme Court ultimately rejected Ceballos' First Amendment claims.

Writing for the majority in *Garcetti*, Justice Anthony Kennedy opined that "Government employers, like private employers, need a significant degree of control over their employees' words and actions; without it, there would be little chance for the efficient provision of services." Justice Souter, in his dissent to the majority opinion, pondered what would happen "when a law enforcement officer expressly balks at a superior's order to violate constitutional rights he is sworn to protect." Answering his own question Souter decried the result: "The majority...places [such an officer] beyond the reach of First Amendment protection against retaliation."

Since *Garcetti*, the courts have struggled to define the parameters of First Amendment law for public employees. The result has been a mish-mash of divergent cases and opinions, from which it is next to impossible to extrapolate any guiding principle for

future conduct. And in the past several months, our own Ninth Circuit Court of Appeals (the highest federal court with jurisdiction over California and other western states short of the U.S. Supreme Court) has handed down several decisions that, read together, make a veritable hash of free speech jurisprudence. It is becoming increasingly difficult to determine when a public employee's statements are ever likely to enjoy the protection of the First Amendment.

Here are summarized versions of the facts from all three cases. See if you can guess which, if any, were held by the Ninth Circuit to have at least the potential of constituting speech protected under the First Amendment, and, therefore, survived the employer's motion to dismiss the case short of a full trial on the merits (known as a summary judgment motion):

Two San Bernardino police sergeants file a grievance and internal complaint, alleging a hostile work environment created by the "autocratic style" and "bullying" of a lieutenant whose actions were, in the sergeants' opinion, "destroying the morale and confidence of his men." Shortly thereafter, one sergeant is transferred out of the homicide unit and the other is given a two-week suspension.

A sergeant with the Los Angeles County Office of Public Safety testifies in a class action lawsuit alleging discrimination by OPS, in addition to filing internal misconduct reports that allege, among other things, officers (i) wearing tattoos possibly indicative of anti-Semitic attitudes, (ii) committing potential battery and excessive force, and (iii) working for outside employers while on the clock. Despite placing in the highest band of candidates and receiving favorable work reviews, the sergeant is not promoted before expiration of the eligibility list for lieutenant.

A Pittsburg police officer assists the Contra Costa County District Attorney's Office investigating corruption at the Pittsburg Police Department, cooperates with the FBI in its own, separate investigation of corruption within the Department, and is subpoenaed to testify and does in fact testify before the Contra Costa County grand jury investigating corruption within the Department. Despite finishing first on the written portion of the sergeant's exam, he is not promoted. Later he is transferred to work in code enforcement in a building known among Pittsburg officers as the "Penal Colony."

If you guessed that only the facts presented in scenario #2 above survived a summary judgment motion by the employer, then you guessed right. And if you have no clue as to the Ninth Circuit's reasoning — particularly as to why scenario #2 may proceed to trial, but scenario #3 cannot — don't feel too bad. After all, if one of the nation's leading constitutional law scholars cannot discern a coherent "organizing principle" in what passes for today's constitutional jurisprudence, we mere mortals shouldn't flagellate ourselves too much for reaching the same depressing conclusion.

In order to even begin to attempt to make sense of these recent cases, it's best first to summarize the Ninth Circuit's approach to analyzing public

employee freedom of speech cases. Distilling prior Supreme Court rulings on the subject, the Ninth Circuit has set forth a "sequential five-step" inquiry to be applied to a public employee plaintiff's First Amendment lawsuit:

(1) whether the plaintiff spoke on a matter of public concern; (2) whether the plaintiff spoke as a private citizen or public employee; (3) whether the plaintiff's protected speech was a substantial or motivating factor in

prior state court of appeal ruling on a different subject, the Ninth Circuit explained that "[w]hen police officers acquire knowledge of facts which will tend to incriminate any person, it is their duty to disclose such facts to their superiors and to testify freely concerning such facts when called upon to do so before any duly constituted court or grand jury." (*Huppert v. City of Pittsburg*, 574 F.3d 703, 707). In other words, if a police department retaliates against

"And in the past several months, our own Ninth Circuit Court of Appeals...has handed down several decisions that, read together, make a veritable hash of free speech jurisprudence. It is becoming increasingly difficult to determine when a public employee's statements are ever likely to enjoy the protection of the First Amendment."

the adverse employment action; (4) whether the state had an adequate justification for treating the employee differently from other members of the general public; and (5) whether the state would have taken the adverse employment action even absent the protected speech.

(*Eng v. Cooley*, 552 F.3d 1062 (2009)).

If all that sounds terribly complicated, it's because it is. And if you imagine those five steps as rocks or shoals against a shoreline and a public employee's free speech lawsuit as a ship attempting to make its way safely to harbor, it's easy to see how that ship can be wrecked on any of the five shoals.

Indeed, in scenario #1, the lawsuit ran aground on the very first obstacle: whether the speech constituted a matter of "public concern." In *Desrochers v. City of San Bernardino* (572 F.3d 703), the Ninth Circuit ruled that "when working for the government, saying one's boss is a bully does not necessarily a constitutional case make...On the facts of this case, we cannot say that the public would be truly interested that two police sergeants believed their supervisor was a 'micro-manager,' 'autocratic' and 'controlling,' or even that he dressed them down in front of their colleagues and neighboring police forces...Such speech...is of no relevance beyond the employees' bureaucratic niche." (*Id.* at 713).

In scenarios #2 and #3, the speech in question made it at least past the first, "public concern" step in the inquiry. Indeed, in scenario #3, it is hard to imagine a police officer's participation in three separate investigations — by the D.A.'s office, the FBI, and the grand jury — into alleged corruption in the officer's police department not constituting a matter of public concern.

And yet, amazingly, the Ninth Circuit found such "speech" by the Pittsburg officer to fall outside the First Amendment because, it reasoned, participation in the investigations of corruption is part of the official duties of police officers and, thus, per the 2006 *Garcetti* ruling by the Supreme Court, unprotected speech. Citing a

an officer for testifying against the department in a court proceeding involving allegations of corruption in the department, the officer has no First Amendment protection. He or she may have a "whistleblower" claim against the employer, but no First Amendment lawsuit.

But given all of the above, how can one explain the Ninth Circuit's refusal to dismiss the case involving the facts alleged in scenario #2? If Pittsburg police officers can expect no First Amendment protection from employer retaliation even when subpoenaed to testify in a grand jury investigation into allegations of police corruption, how can a Los Angeles OPS sergeant's testimony in a class action alleging discrimination and filing internal misconduct reports constitute protected speech? Unfortunately, the Ninth Circuit provides no explanation. We only know that the Court in scenario #2 opined that it lacked "jurisdiction to review the district court's finding of a genuine issue of material fact regarding whether the scope of Robinson's [i.e., the LA OPS sergeant's] duties including reporting police misconduct." (*Robinson v. York*, 566 F.3d 817, 824). This, dear readers, is what might be most charitably referred to as a punt.

And so, we are left unenlightened as to how precisely the Ninth Circuit will decide future cases involving the free speech rights of public employees. As I have written before, predictability is one of the chief aims of the law. Regrettably, the confusing state of First Amendment jurisprudence as it concerns public-sector workers has made any predictability in this area of the law only a distant dream. One hopes that the return of American Constitutional law to coherence — a state worthy of the American democratic project whose foundation it forms — is a dream that can be fulfilled in our lifetimes.

"Which Side Are You On?"

**Close Encounters
will return next month**